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Ordines Cancellariæ:

BEING

ORDERS

OF THE

HIGH COURT

OF

CHANCERY,

FROM THE

First Year of King *Charles* I.

To this preſent *Hillary Term*, 1697.

EXAMINED

By the ORIGINAL ORDERS.

To which is added the

RULES and ORDERS

Of the COURT of

EXCHEQUER.

LONDON, Printed by the Aſſigns of *Rich.* and *Edw. Atkins* Eſquires, for J. Walthoe, and are to be ſold at his Shop in the *Middle Temple Cloyſters*, 1698.

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A List of the Lord Chancellors, Lord Keepers, and Lords Commissioners of the Great Seal of England, *from the First Year of King* Charles *the First, to the Ninth Year of the Reign of King* William *the Third.*

SIR *Thomas Coventry* was made Lord Keeper of the Great Seal, *Nov.* 1. in the First Year of the Reign of King *Charles* the First, 1625.

Sir *John Finch* was made Lord Keeper the 23th of *Jan.* 13 *Car.* 1. 1639.

Sir

Sir *Edward Littleton*, Knight made Lord Keeper the 23th of *Jan.* 16 *Car.* 1. 1640.

Sir *Richard Lane*, Knight, made Lord Keeper the 30th of *Aug.* 25 *Car.* 1. 1649.

Sir *Edward Hide*, Knight, made Lord Chancellor of *England*, the 29th of *Jan.* 12 *Car.* 2. 1660.

Sir *Orlando Bridgman*, Knight, made Lord Keeper the 30th of *Aug.* 19 *Car.* 2. 1667.

Anthony Lord *Ashly*. Earl of *Shaftsbury*, Constituted Lord Chancellor of *England*, the 17th of *Nov.* 24 *Car.* 2. 1672.

Sir *Henage Finch*, Knight, made Lord Keeper, the 19th of *Nov.* 25 *Car.* 2. 1673.

Sir *Francis North*, Knight, made Lord Keeper, the 22th of *Decemb.* 34 *Car.* 2. 1681.

Sir *George Jefferies*, Knight, Constituted Lord Chancellor of *England*,

England, the 28th of *Septemb.* 1 *James* 2. 1685.

Sir *John Maynard*, Sir *Anthony Keck*, and Sir *William Rawlinſon*, made Commiſſioners of the Great Seal in *Hillary* Vacation the Firſt of King *William* and Queen *Mary*, 1689.

Sir *John Summers* made Lord Keeper in *Hillary* Vacation, the Fourth of King *William* and Queen *Mary*, 1692.

And Conſtituted Lord High Chancellor of *England*, the 23th of *April*, the Seventh of King *William*, 1695.

Ordo

ORDO CURIÆ:

OR,

ORDERS

OF THE

Court of *Chancery.*

From the First Year of King *Charles* the I. to *Hillary*-Term, 1698.

Veneris 30 die Junii, Anno Regni *Caroli* Regis primo. 1625.

Concerning Subpœna's Ad audiendum Judicium.

Ordo Curiæ.

Vide postea.

WHEREAS the Right Honourable the Lord Keeper being informed of sundry Abuses, in the untimely and disorderly setting down of the Causes of Hearing in this

Court, and the obtaining of Subpœna's *Ad audiendum Judicium* thereupon, whereby ancient Cauſes were ſtopt back from hearing, and other Cauſes thruſt in, to the prejudice of the other Clyents, and ſcandal to the Court, the ſix Clerk towards the ſaid Cauſes never being made acquainted therewith: For reformation whereof, the then Lord Keeper did Order and Require, That hereafter it ſhould be carefully obſerved, that no Subpœna ſhould be made *Ad audiendum Judicium* for any Cauſe of hearing whatſoever, before the Clerk that makes the ſame Writ have a Note under the Hand of the ſix Clerk that is Attorny, and under the Hand of the Regiſters; and in their abſence under the Hand of their ſufficient known Deputies, to warrant the ſame; And if any ſuch Clerk ſhould after preſume to offend therein, then the ſaid Clerk was to ſtand committed for his wilful contempt. Forasmuch as the Right Honourable the Lord Keeper was this day informed by the ſaid ſix Clerk, that of late the ſaid Order had been neglected in divers Subpœnas *Ad audiendum judicium* which had been made without any ſuch notice from them or their Deputies, in contempt of the ſaid Order. It is therefore now ordered by his Lordſhip, That the Clerk of the Subpœna Office, having

No Subpœna's to be made *Ad audiendum judicium*, before the Clerk that makes the ſame Writ have a Note under the Hand of the ſix Clerk and of the Regiſter to warrant the ſame.

The Clerk of the Subpœna Office to obſerve the ſaid Order.

ving notice hereof, shall hereafter observe and perform the said former Order, his Lordship minding to have the same put in Execution in all points.

Anno Regni *Caroli* Regis primo. Ter. Hill. 1625.

Touching Examiners.

Ordo Curiæ.

FOrasmuch as Complaint hath been often made by the Examiners of this Court, how that after Depositions of Witnesses have been taken before them, between parties Plaintiffs and Defendants, and otherwise, one of the said parties, Plaintiff or Defendant, after publication have taken out the Copy of the Depositions for his own part only, and then afterwards the same party which hath so taken out Copies, delivering the same to his Solicitor or Agent, to the end they should abbreviate or keep the same, the said Solicitors or Agents by mutual practice and combination with the adverse party in the Suit, his Clerk, Solicitor or Agent, without the content or privity of the said party who took out the said Copies, hath for Mony, or other rewards, either given or suffered other Copies to be made and delivered to the adverse party, his Solicitor or Agent, with-

Vide postea, 19 May, 1658.

out the Examiners knowledge, by reaſon whereof the Examiners have been often times defrauded of the ſaid ſecond Copies, and of the fruits of their own Labours, to the abuſe of this Court, and to the prejudice of the Examiners, who, beſides the ſaid Diſinheriſon of the due Fees, do alſo incur a ſcandalous imputation for the writing, by reaſon the Copies ſo ſurreptitiouſly made, are for the moſt part very ill and looſely written, which are commonly ſuppoſed to be taken out of the Examiners Office. It † is therefore ordered by the Right Honourable the Maſter of the Rolls, That if at any time hereafter it ſhall probably appear unto the ſaid Examiner, or either of them, that any undue Copies ſhall be made as is aforeſaid, the Examiner who findeth himſelf ſo abuſed, may if he will take out Subpœnas againſt one, two, or any three ſuch perſons as he ſhall ſuſpect to have deceived him, for the examination of ſuch miſdoers, upon Interrogatories in that behalf to be executed before the other Examiner, and firſt allowed of by a Maſter of the Court, touching the point of the Fraud and Abuſe in delivering out any ſuch unlawful Copies as are before mentioned. And if upon conſideration had of the Anſwers of the ſaid parties ſuſpected, unto the ſaid Interrogatories, it

† The Examiner may take out Subpœna's ag inſt ſuch as ſhall be ſuſpected to deliver undue Copies of Depoſitions to the adverſe party his Clerk, or Solicitor to defraud him of his Fees of ſecond Copies, for the Examination of ſuch Offenders, upon Interrogatories, to be executed before the other Examiner, and to be allowed of by a Maſter of the Court.

ſhall

ſhall appear unto the ſaid Maſter of this Court, who allowed of the Articles, and be ſo certified by him, that the ſaid parties are faulty in making or procuring ſuch undue Copies, to the prejudice of the Examiner, That then every ſuch perſon ſo found offending, ſhall for ſuch his Miſdemeanor be committed to the Priſon of the *Fleet*, from whence he ſhall not be diſcharged till he hath ſatisfied the Examiner, for the ſaid undue Copies. Provided, That if the parties drawn in queſtion ſhall acquit themſelves, upon their Examination, that then the Examiner, who called them in by ſuch Proceſs, ſhall pay ſuch Coſts for unjuſt Vexation, as the Court ſhall think meet.

Upon a Certificate of the ſaid Maſter, the Offender to be Committed to the *Fleet* till ſatisfaction to the Examiner.

If the ſuſpect party acquits himſelf, the Examiner to pay Coſts.

Mercurii 10 Decembris, Anno Regni *Caroli* Regis Quarto. 1628.

Concerning References of Inſufficient Anſwers.

Ordo Curie.

IT is Ordered by the Right Honourable the Lord Keeper, in reſpect of the great expence of time, and many delays uſed, upon References of inſufficient Anſwers to the Maſters of this Court, That if hereafter upon any Reference of inſufficient Anſwers made to any Maſter of this Court, a Report

Report upon a Referrence, upon inſufficient Anſwer, to be fil'd within one Month after date of ſuch Refererence.

Or else the Reference to be absolutely void, without Motion or special Order.

be not thereupon procured and filed in the Register within one Month at the farthest, after the date of such Reference, that the same Reference shall stand absolutely void, by this general Order, without any Motion or special Order to be obtained in that behalf.

Martis 22 die Decembris, Anno Regni *Caroli* Regis Quinto. 1629.

Of Priviledge.

Ordo Curiæ.

THE Right Honourable the Lord Keeper taking notice of the great Abuse that hath been lately offered to the Dignity of this Court, in the frequent granting of Priviledge, unto such as no ways have any dependance upon the Court, but only under colour that they are or have been Servants to some of the Masters, Ministers and Officers of the Court, which heretofore hath not usually been admitted, but to such as have been menial Servants unto such Ministers and Officers. For prevention of which Abuse, his Lordship doth Order, That from henceforth no Writ of Priviledge shall be granted to any person whatsoever, but only unto such as are Ministers, Officers, and known Clerks of the Court, and shall

No person to have Privilege but Masters, Ministers, Officers, and known Clerks of the Court, and their Menial Servants.

ſhall be ſo certified by the Maſter of the Office where ſuch Clerks write, and to ſuch others as ſhall firſt make Affidavit, that they are menial Servants unto ſome one of the Maſters, Miniſters, or Officers of the Court, and ſuch Writ of Priviledge to continue in force no longer unto ſuch Servants, than they ſhall continue menial Servants: And before any Writ of Priviledge ſhall paſs the Seal, except it be for a Miniſter, Officer, or known Clerk of the Court, It is Ordered, That it be firſt preſented unto, and ſigned by the Lord Chancellor or Lord Keeper for the time being; and where any Writ of Priviledge ſhall be preſented to his Lordſhip to be ſigned for any ſuch menial Servants, as aforeſaid, the Affidavit ſo to be by him made, is to be annexed to the Writ it ſelf. And it is laſtly Ordered, That no Writ of Priviledge do iſſue for any menial Servant, until ſuch time as his Writ of Priviledge hath been firſt allowed of by his Lordſhip, as aforeſaid.

Writ of Priviledge, how and by whom to be allowed.

Sabbati 23 Jan. Anno Regni *Caroli* Regis Quinto. 1629.

Concerning Regiſtring of Affidavits.

Ordo Curiæ.

Poſt 8 *Anno* & 21 June, 1660.

THE Right Honourable the Lord Keeper of the Great Seal of *England*, and the Maſter of the Rolls, having this day taken into their ſerious Conſideration, the preſent ſtate of the Office of Regiſtring Affidavits in this Court, and the neceſſary uſe thereof, and obſerving upon what juſt and honourable grounds the ſame was firſt Inſtituted and Erected, by our late Sovereign Lord King *James*, of bleſſed Memory, for preventing the embezilling and falſifying of Affidavits, whereby the Court hath been often abuſed, the courſe of Juſtice interrupted, and the Suitor apparently wronged, or unduly prejudiced; and finding withal, That notwithſtanding the ſaid late Kings expreſs Commandment, by Letters Patents under the Great Seal of *England*, and ſince revived by his Majeſty that now is, by like Letters Patents, dated the 18th of *December* laſt, for prohibiting the making or entring of any Order, Attachment, Commiſſion, or other Proceſs or Procedings of the Court,

Court, grounded upon an Affidavit, except such as properly belong to the Supplicavit Office, till the Affidavit were first Filed and Registred in the Affidavit Office. And notwithstanding special Orders of the Court heretofore made to that purpose, and by Directions both publickly and upon private Petitions given, for due observation thereof, yet the same hath been of late years so much neglected, as it is now found necessary for the honour of the Court, the good of the Suitor, and the righting of the Officer, to give reformation thereunto. It is therefore, upon due consideration of the Premisses, Ordered by their Honours, That all Affidavits of this Court, except those only which belong to the Supplicavit Office, shall before the same be exhibited in Court, or otherwise produced, to ground any Orders, Writs, Process, or Proceedings of Court thereupon, be brought into the said Office for Registring Affidavits, and be there duly Filed and Registred; and that no Copy of Affidavit be made or subscribed but by the sworn Register of Affidavits, or his Deputy for the time being, and that no Councel at Law, nor any of the six Clerks, or other Clerks or Officers of this Court, nor any Solicitors of

All Affidavits, except those that belong to the Supplicavit Office, before they be read in Court, to be first Filed and Registred in the Affidavit Office, and attested by a Copy thereof under the Officers hand.

No Copy of Affidavit to be subscribed, but by the sworn Register of Affidavits.

Causes there depending, shall from henceforth offer to read or give in Evidence to the Court, any Affidavit that is not first Filed and Registred in the said Affidavit Office, and attestation thereof given by a Copy under that Officers Hand, or his Deputy: And that neither the six Clerk, nor any of the Cursitors, nor the Register of the Court, their Clerks or Deputies, do make, pass, or enter any Orders for Attachments, Commissions of *Dedimus potestatem*, or other Commissions, Writs, Processes, or proceedings, grounded upon an Affidavit, unless the said Affidavit be first Filed and Registred in the Affidavit Office, as aforesaid. And that all Clerks of the Court and Solicitors of Causes there, do before the last day of this *Hillary*-Term, bring in all such Original Affidavits as are remaining in their Hands into the said Office, and cause them to be duly Filed and Registred at their Perils. All which particulars their Honours do straighly charge and require to be from henceforth duly observed, that his Majesties express Commandment therein be not contemned or neglected.

Six Clerks, Cursitors, Register of the Court, not to pass or enter any proc.s grounded upon an Affidavit, unless they be first filed.

Tho. Coventry C. S.
Jul. Cesar.

Ve-

Venetis 7 die Martii, Anno Regni *Caroli* Regis Quinto. 1629.

Concerning Commissions for Examination of Witnesses.

Ordo Curiæ.

WHereas Complaint hath been made unto me, by the Examiners of this Court, that divers Commissions *Ad Examinand' Testes*, have issued under my Name, which have been executed in or near *London*, in such secret manner, that the Examiners have not been able to get timely notice for suppressing of the same. Forasmuch as I find by the Ancient Constitutions and Ordinances of the Court, that no Commission *Ad Examinand' Testes* ought to be granted, but for Age, Impotency, and remote distance of place. And by the general and approved practice of the Court, all Examinations of Witnesses in or near *London*, have been taken by the Examiners in their Office, and not by Commission, unless by stealth, as aforesaid, or by special Order of Court. And because the issuing and executing of such Commissions, contrary to the said Order and Usage of the Court, is a great wrong and discredit to the Examiners and

their

their place, who with their Clerks do give daily attendance at the Rolls, as well in the Vacation as Term-time, for the more ſpeedy diſpatch of ſuch Witneſſes as are to be examined in or near *London*, upon Cauſes depending in *Chancery*; and for the parties to decline the ſworn Officers of the Court, conſtituted for that purpoſe, without any juſt exception againſt them, giveth cauſe to ſuſpect the ſame to be done for ſiniſter purpoſes (Examinations taken in Court being always eſteemed better and more indifferent there taken, than by Commiſſion.) I have thought fit, for preventing the ſaid Wrong and Abuſe for the time to come, hereby to declare and make known, That I do therefore Order and Require the ſix Clerks and ſuch their Clerks and under Clerks, who do write Commiſſions, to forbear to make, or cauſe to be executed in or near *London*, any Commiſſion *Ad examinandum Teſtes*, in or under my Name, and if any ſuch Commiſſion ſhall be hereafter made in my Name, I do hereby likewiſe declare, That I will both diſavow the ſame as Irregular and contrary to Order, and do reſolve to queſtion them for doing thereof. All which I have the rather been moved to declare and make known, out

The ſix Clerks or under Clerks not to make or cauſe to be executed any Commiſſion *Ad examinand' Teſtes*, in or near *London*.

out of the indifferent and equal reſpect I bear to all parties, and my care and deſire that each Officer under me ſhould contain themſelves within their own proper Bounds, without incroaching the one upon the other, that ſo I may preſerve and leave things in the ſame ſtate and order wherein I found them, without innovation or alteration. At the *Rolls* this 7th of *March*, 1629.

Jul. Ceſar.

Jovis 17 die Novembris, Anno Regni *Caroli* Regis ſeptimo. 1631.

Touching Contempts.

Ordo Curiæ.

THE Right Honourable the Lord Keeper finding much inconvenience and prejudice to fall upon divers of his Majeſties Subjects, who are Suitors in this Court, by the undue proceedings of ſuch as ſue out the Proceſs of the Court upon Contempts, the ſame oftentimes running out to a Commiſſion of Rebellion, or to a Serjeant at Arms, before the party againſt whom the Proceſs made out hath had notice of the precedent Proceſs iſſued forth againſt him, which is occaſioned by reaſon the ſaid Proceſſes are oftentimes

times made unto a County where the Party is not resident, and when it is made into the right County, by reason of an unusual neglect and want of endeavour in the Prosecutor to get the same executed, the Sheriff returneth a *Non est inventus*, or a *Proclamari feci*, and sometimes that Return made by others in the Sheriffs name, in an ordinary course. His Lordship therefore, to remedy such Inconvenience and Abuse hereafter, and to prevent the vexation of the Subject in this kind, doth think fit and Order, That all Process hereafter to be made upon any Contempt, be made out into the proper County where the party against whom the same Process issueth, shall be resident or dwelling, unless he shall be then in or about *London*, in which case it may be directed into the County where he shall then be, that it may be served upon him there; and that every Suitor who prosecuteth Process of Contempt against any of his Majesties Subjects, shall do his best endeavour to procure the said Process to be duly executed, and the supposed Contemners to be apprehended thereby; and if any be hereafter arrested upon a Proclamation or Commission of Rebellion, or by the Serjeant at Arms, and shall make

All Process made upon Contempt to be made out into the proper County where the party is resident, unless in or about *London*.

He who prosecuteth for Contempt, to do his best endeavor that the precedent Process be duly executed.

make it appear unto the Court by proof, that the Profecutor of thoſe Proceſſes hath not done his beſt endeavour to have had the firſt and precedent Proceſs duly executed, as by the Order is required, then the party ſo offending ſhall pay unto the other party grieved, very good Coſts for his wrongful vexation, contrary to the direction of this Order. And his Lordſhip doth alſo Order, That notice be given thereof to the Officers and Clerks of the Court, that ſo their Clyent may have knowledge thereof, that the ſame may be obſerved accordingly.

Jovis 28 die Februarii, Anno Regni *Caroli* Regis Octavo, 1632.

Concerning Affidavits.

Ordo Curiæ

WHereas the Right Honourable the Lord Keeper of the Great Seal of *England*, and the Maſter of the Rolls, have by an Order of this Court, dated the 23th day of *January*, in the 5th year of his Majeſties Reign, Ordered and ſtraightly charged and required, That all Affidavits of this Court, except thoſe only which belong to the Supplicavit Office, ſhould before the ſame be exhibited in Court, or

Antea An. 1629.

or otherwiſe produced, to ground any Order, Writs, Proceſs, or Proceedings of Court thereupon, be brought into the Office of Regiſtring Affidavits, and be there duly Filed and Regiſtred, and that no Copy of Affidavits be made or ſubſcribed, but by the ſworn Regiſter of Affidavits, or his Deputy for the time being, and that no Counſellor at Law, nor any of the ſix Clerks, or other Clerks or Officers of this Court, nor any Solicitor of Cauſes there depending, ſhould from thenceforth offer to read or give in Evidence to the Court, any Affidavit that is not firſt Filed and Regiſtred in the ſaid Affidavit Office, and atteſtation thereof given by a Copy under that Officers Hand, or his Deputy; and that neither the ſix Clerk, nor any of the Curſitors, nor the Regiſter of this Court, their Clerks or Deputies, do make, paſs, or enter any Order for Attachments, Commiſſions, Writs, Proceſs, or Proceedings, grounded upon any Affidavits, unleſs the ſaid Affidavit be firſt Filed and Regiſtred in the Affidavit Office, as aforeſaid, and that all Clerks of the Court, Solicitors of Cauſes there, ſhould by the end of *Hillary*-Term then next following, bring into the ſaid Office all ſuch Original Affidavits as ſhould remain in their Hands, and

and cauſe the ſame to be there duly Filed and Regiſtred at their Peril. All which notwithſtanding, many Original Affidavits have not been brought into, nor Filed in the ſaid Office, as in and by the ſaid Order was required; but contrarywiſe, many Affidavits have ſince been read and uſed in Court, and Orders and proceedings have been thereupon made, drawn up and entred, before the ſaid Affidavits have been Filed and Regiſtred in the ſaid Affidavit Office. And whereas alſo many Affidavits have been and are brought into the Regiſter of the Affidavit Office, by the parties themſelves, whoſe Cauſe the ſame concerneth, and by others for many Weeks, Months, and ſome Years after the ſame Affidavits ſworn, with ſundry Interlineations, ſometimes in another Hand, oftentimes a Line or two ſtruck out, uſually blotted or altered in one place or another, not without apparent ſuſpition of being corrupted and falſified, after the Maſter of this Court his Hand put thereunto, or uſe made thereof, upon Motion in Court, or Orders or Proceſs thereupon grounded. Now upon due conſideration had by their Honours of the Premiſſes, It is this preſent day Ordered, and by their Honours ſtrictly given in charge and

and commanded, That the ſaid Order of the 23th of *January*, in the ſaid fifth year of his Majeſties Reign, ſhall be henceforth, both at the Court at *Weſtminſter*, at the Seals, and at the Rolls, by the Officers of this Court, and all others whom the ſame doth or may concern, duly obſerved and kept, at the perils of ſuch as in contempt of this Honourable Court, ſhall preſume wilfully or negligently to decline or not obſerve the ſame. And further it is Ordered by their Honours, That neither the Regiſter of this Court, his Clerk or Deputies, ſhall, or do at any time hereafter, draw up, ſign or ſet his or their Hand or Hands unto any Order whatſoever, grounded upon an Affidavit, unleſs the Affidavit be firſt Filed and Regiſtred with the Regiſter of the Affidavits, and atteſtation thereof brought and ſhewed to the ſaid Regiſter of this Court, his Clerk and Deputies, under the Hands of the ſaid Regiſter of the ſaid Affidavits, or his Deputy attending in the ſaid Office. And it is further Ordered by their Honours, That no Maſter of this Court ſhall accept of, or take the Oath of any perſon to an Affidavit, except the ſame be fairly and handſomely writ in one hand, without blotting or interlining; and in caſe

Filing Affidavits, *vide ante f.* 10.

Affidavits to be fairly written in one Hand, without blotting or interlineation, otherwiſe no uſe to be be made of them in Court.

caſe any Affidavit ſhall eſcape the ſaid Maſter of this Court, and paſs ſo blotted and interlined, under their or any of their Hands, It is further Ordered, That the Regiſter of Affidavits or his Deputy ſhall thereupon refuſe the ſame, and that afterwards no uſe ſhall be thereof made in any of the proceedings of this Court. And laſtly, It is wiſhed and directed by their Honours, That all Affidavits taken, or henceforth to be taken before any Maſter of this Court, be brought unto the ſaid Regiſter of the Affidavits, or his Deputy for the time being, to be there Filed and Regiſtred, in ſome due and convenient time after the ſame be ſworn unto, and before uſe be made thereof in Court, as well to prevent the vexation and trouble of his Majeſties Subjects, in coming ſo often to enquire for ſuch Affidavits, before they come unto the ſaid Office, as alſo that the parties againſt whom the ſaid Affidavits be made, may have time by their Council to inform this Court of any juſt Cauſe of Exception they may have to alledge againſt the ſame. And to the end that none may have any excuſe of being ignorant hereof, It is laſtly commanded, That this Order, being fairly Written, ſhall be ſet up in

Affidavits to be Filed in due and convenient time after they are ſworn and the reaſon of this part of the Order.

in Tables, and ſo ſhall remain in the ſeveral Offices of the Regiſter of the Six Clerks, and of the ſaid Affidavits.

Tho. Coventry. C. S.
Jul. Ceſar.

Lunæ 16 die Novembris, Anno Regni *Caroli* Regis undecimo. 1635.

Concerning the amending of Letters Patents.

Ordo Curiæ.

WHereas a Petition was lately exhibited to his Majeſty, by Sir *Kenelm Digby* Knight, the Tenor of which Petition, and the Anſwer thereunto followeth in theſe words:

To the Kings moſt Excellent Majeſty.

The humble Petition of your Majeſties Servant, Sir *Kenelm Digby*, Knight,

Humbly Sheweth;

THAT *whereas your Majeſty was graciouſly pleaſed to beſtow upon him certain Lands Eſcheated to your Majeſty, by the death of* John Calverley *Eſq; without Heir, part of which Lands lye in the County of* Kent, *and were ſo*

ſo mentioned in the Office found to intitle your Majeſty, and in the Bill Signed with your Royal Hand for paſſing thereof to your Petitioner; but at the Signet Office, by the miſtake of the Clerk taking the Letter L *for a* K, *are mentioned to lye in* Com. Kank. *and by that Error are ſo mentioned, both at the Privy Seal, and Great Seal, and the Inrolling thereof, which your Petitioner cannot have amended, without your Majeſties ſpecial Warrant.*

Your Petitioner therefore moſt humbly beſeecheth your Majeſty to be graciouſly pleaſed to give a Warrant, that they may be amended and made agreeable to the Bill Signed, and the Patent after the Amendment thereof new Sealed, as in ſuch caſes is uſual.

And Your Petitioner ſhall daily pray, &c.

At the Court at *Salisbury*, *the* 9th of *Auguſt*, 1635.

HIS *Majeſties Pleaſure is, That theſe Miſtakings be Amended and made agreeable to the Bill Signed; and the Patent, after the Amendment thereof*

of, new Sealed, as in ſuch Caſes is uſual, and as here is deſired.

John Coke.

In conformity to which his Majeſties pleaſure, the Right Honourable the Lord Keeper having ſeen as well the ſaid Letters Patents, as the Privy Seal whereupon the ſame did paſs, remaining in this Court; and having alſo ſeen the Original Bill ſigned under his Majeſties Hand, and the Tranſcript thereof which paſſed the Signet, and finding the Information in the ſaid Petition to be very juſt and true, and having adviſed thereof with his Majeſties Attorny General, hath Ordered, That the Privy Seal remaining in this Court, and the Inrolment thereof be amended, and that the Seal be pulled from the Letters Patents, and the ſame Patent amended and new Sealed, according to his Majeſties good Pleaſure. And this Order, grounded upon his Majeſties Direction, ſhall be a ſufficient Warrant to the Clerk and other Officers of the Court to whom it appertaineth for the doing thereof.

Amendment of Letters Patents, for a miſtake in the Privy Seal, and the Inrolment, and the Original Bill under his Majeſties Hand.

Tho. Coventry C. S.
Jo. Bancks.

Mar-

Martis 5 die Januarii, Anno Regni *Caroli* Regis undecimo. 1635.

For Under Clerks being allowed Parchment for Ingroſſing Decrees, &c.

Ordo Curiæ.

THE Right Honourable the Maſter of the Rolls having taken Conſideration of the Oath Adminiſtred unto the Under Clerks in the ſix Clerks Office, whereby they are ſworn not to carry nor conſent that any other may carry forth of the Houſe called the Six Clerks Office, any Bill, Anſwer, Commiſſion, Decrees, Diſmiſſions, Bills ſigned, Privy Seal, or any other Record whatſoever, which ought to be there remaining, except by ſpecial Order of the Court: And being alſo advertiſed, That their Under-Clerks have uſed and ought to have from the Uſher of this Court, Parchment for Ingroſſing of Decrees and Diſmiſſions, which are to be Inrolled, which cannot be well proportioned unto them, without ſight of the ſaid Decrees and Diſmiſſions, that the Parchment may be allowed and delivered unto them, proportionable to the length of the ſaid Decrees and Diſmiſſions; It is therefore this preſent day Ordered by his Honour, That it ſhall be lawful

Under Clerks may bring over from the six Clerks Office to the Chappel of the Rolls, any Decree or Dismission after the same shall be signed, to be seen by the Usher of this Court, that Parchment may be allowed for the Inrolment thereof.

ful from henceforth for any of the said Under Clerks in the Six Clerks Office, to bring over from the Office into the Chappel of the Rolls any Decree or Dismission, after the same shall be so signed, to be seen by the Usher of this Court, or his Deputy only for that purpose, that he or they may see what Parchment is fit to be allowed for the Inrolling thereof, and to no other intent or purpose; which being done, the same are by the said Under-Clerks to be safely returned into the Office whence the same was so taken out as aforesaid, without suffering the same to pass out of their own Hands.

Jul. Cæsar.

Mercurii 15 die Junii, Anno Regni *Caroli* Regis Duodecimo. 1636.

By reason of the Plague:

Ordo Curiæ.

THE Right Honourable the Lord Keeper having taken into his Consideration the Danger of the increasing of the Infection of the Plague, by the assembling of much People together at this time, doth therefore this present day Order, That all unnecessary resort unto

unto his Lordſhips Houſe, by the Officers and Clerks of this Court, and others be forborn, both at General Seals and at other times, and that all Patents, Commiſſions and Writs, whereof an Entry is to be made in the Comptrollment Book, ſhall be brought to the Riding Clerk or his Deputy, before they be Sealed, who are then to take ſuch particular notice thereof in Writing, that when the ſame ſhall be Sealed, a perfect Entry thereof may be made in the Comptrollment Book, whereby a due account may be given to his Majeſty, and otherwiſe, as is and hath been uſed; and after ſuch Notes ſhall be taken as aforeſaid, and the Hand of the Riding Clerk or his Deputy, put to the ſaid Patents, Commiſſions and Writs, then the Riding Clerk or his Deputy is to ſend the ſame to be Sealed, at ſuch time and places as his Lordſhip ſhall appoint for that purpoſe; and after the ſaid Patents, Commiſſions and Writs ſhall be Sealed, the ſame are to be taken from the Seal by the Clerk of the Hannaper or his Deputy; and then the Officers and Clerks who writ and prepared the ſaid ſeveral Buſineſſes for the Great Seal, are to receive them from the Hands of the Clerk of the

Hannaper or his Deputy, as formerly they have done, and for all other Writs and Seals that are in Farm the ſame Writs are to be delivered at the Subpœna Office to the Farmers thereof, or their Deputies, who are to that purpoſe there to attend to receive the Writs, and cauſe them to be carried to the Seal and to be brought back unto them when they are Sealed, and then the ſame Writs are likewiſe to be fetched from them by the Officers and Clerks who writ and prepared the ſame Writs for the Seal, as is uſual, which Courſe before directed and ordered is to be obſerved by all thoſe whom it ſhall concern, until his Lordſhip ſhall ſignifie his pleaſure to the contrary.

Tho. Coventry C. S.

Jovis 3 die Martii, Anno Regni *Caroli* Regis undecimo. 1636.

Touching Differences between the Six Clerks and the Examiners.

Ordo Curiæ.

WHereas the Examiners of this Court have lately Petitioned the Right Honourable the Lord Keeper thereby deſiring to be righted againſt the Six Clerks of this Court in ſundry Parti-

Particulars pretended by the Examiners to be by the Six Clerks encroached upon the Rights of the Examiners Places, as namely touching the Returning, Copying, keeping and Filing of all Examinations and Depoſitions taken as well by Commiſſion as in Court, and touching the Six Clerks exemplifying of Examinations taken in Court by looſe Copies, and the Examiners claim to write to the Great Seal for the making of their own and their Clerks Attachments of Priviledge and other Writs, and alſo that no Commiſſion to examine Witneſſes ſhould be executed in or within 20 Miles of *London* without ſpecial Order from the Court, and this day being appointed by his Lordſhip for the hearing and ſetling of the difference, and his Lordſhip together with the right Honourable the Maſter of the Rolls being now attended by both parties and their Council Learned on both ſides, and the matter being long debated, the Examiners to maintain their claim to the ſaid Particulars, did produce a Copy of an Ordinance alledged to be made in this Court in 36 *Hen.* 8. and a Letter written by Mr. *Thomas Poule* about thirty-years ſince he being then a Six Clerk of this Court to Mr. *Robinſon* then one of the

Examiners, and likewiſe produced another Ordinance of the *5th. Car. Regis*, made by the now Maſter of the Rolls, and by way of Preſident divers Orders made for ſuppreſſing and ſuperceding ſuch Commiſſions executed or endeavoured to be executed in or near *London*; and on the contrary the Six Clerks did now produce by way of Preſident divers Commiſſions, ſome from the beginning of the time of King *Hen. 6.* and many ſince from King *Henry* the *8th*'s time, which have been executed in and near *London* without exception, and as was alledged returned into their Offices, and there copied, kept and filed, and juſtified their Exemplifying of Examinations taken in Court as properly belonging to them only, none but them alone as they pretend having authority to write ſuch Writs as aforeſaid unto the Great Seal: And as for the ſaid Ordinance pretended to be made in *36 Hen.* 8. Mr. Attorney General of Council with the Six Clerks alledged that the ſame Ordinances make not againſt the Six Clerks, nor do they limit any certain diſtance of place from this Court for Execution of Commiſſions, nor are they binding; beſides the ſaid Ordinances are not authentical, but conceived by the Six Clerks to be ſuſpitious

Differences between the Six Clerks and the Examiners touching Exemplifying Examinations, Attachments of Priviledge and Commiſſions to examine Witneſſes within 20 miles of *London* debated, but not ſettled; and referred to examination of Preſidents.

ſpitious and entred into the Book of 36 *Hen.* 8. of late time by one Bayliff without Warrant in a torn Leaf in the very laſt Page of that Book, and that they ſeemed to be of a much newer hand-writing than the reſt of the Book. Whereupon his Lordſhip declared that it is material to find out the Authority of the ſaid Ordinances, and when and by whom the ſame was entred in the Regiſter, whether of late time by the ſaid Bayliff, as is pretended by the Six Clerks or no, which if they were ſo lately entred, the ſame are fit to be expunged out of the Regiſter, and therefore his Lordſhip doth Order, That the Maſter of the Rolls be attended by both parties herein, who is deſired to Examine and find out the truth thereof, and upon his Honours Certificate further Directions ſhall be given therein: And as for the ſeveral Orders and Preſidents produced by each party as aforeſaid, foraſmuch as neither party had ſeen the others Preſidents, nor knew not upon what either ſide would inſiſt, ſo that the parties were not at preſent provided to give anſwer whereupon his Lordſhip might ground a reſolution; It is ordered that each party ſhall permit and ſuffer each other to have a ſight of the Orders and Preſidents produced by

either party, unto which either side may take what Exceptions they think fit, and in case it shall fall out to be necessary for any to be examined upon Oath for clearing of any doubt, his Lordship upon knowledg, and considering the necessity thereof will give further order therein. And thereupon and upon a further hearing thereof his Lordship will finally determine and settle the differences between the said Officers.

Veneris 25 die Novembris Anno Regni *Caroli* Regis Duodecimo 1636.

Concerning Hearing of Causes.

Ordo Curiæ.

WHereas by reason of the late Infection, the Causes appointed and set down for *Michaelmas* Term could not then be heard, his Lordship taking the same into consideration, and desiring to give as much Expedition to those Causes as the season will permit, and his Lordship shall be able; hath thought fit, and doth hereby order, that the Causes formerly set down in *Michaelmas* Term shall now according to their then Order, and in their due places continue ranked for *Hillary* Term. And whereas there were only four Causes

Speeding of Causes because of the *Remanets* during the Plague.

ſes appointed for every day, his Lordſhip doth propoſe (God willing) though it may prove the more labour and trouble unto his Lordſhip, to hear Six Cauſes; to which purpoſe his Lordſhip doth alſo order that ſix Cauſes of thoſe already ſet down be ſet down for every day, and that the Regiſter enter this Order, and make a Book of Cauſes accordingly, and give notice to the Six Clerks, and their Clerks, that they or their Clients if they intend to have their Cauſes heard, do ſue out and ſerve Proceſs *ad Audiendum Judicium*, as is accuſtomed in the like caſe againſt the days now appointed. And for ſuch Cauſes as ſhall remain unſet down, his Lordſhip doth propoſe, God willing, to ſet down thoſe in the firſt place for *Eaſter* Term next.

Lunæ 30 die Januarii Anno Regni Regis *Caroli* Duodecimo. 1636.

Priviledge allowed to a Clerk that ſtood ſuſpended.

Ordo Curiæ.

WHereas *George Mynn*, Eſq; Clerk of the Hannaper in the High Court of *Chancery*, by Sentence and Decree in the High Court of *Star-Chamber* was, and yet ſtandeth ſuſpended from the Execution of the ſaid Of-

fice: Now forasmuch as it hath been certified to the Right Honourable the Lord Keeper by the Right Honourable the Lord *Cottington* Chancellor of the *Exchequer*, and Master of the Court of Wards and Liveries, that it is his Majesties Gracious Pleasure, that the said *George Mynn* notwithstanding the said Sentence and Suspension aforesaid shall have and receive the benefit of his Priviledge in the said High Court of *Chancery* in as full and ample manner as he had enjoyed the same before the said Sentence of Suspension, as by the said Certificate under the hand of the Lord *Cottington*, filed with the Register of this Court appeareth; and forasmuch as the said *George Mynn* though suspended as aforesaid, is and remaineth still an Officer of this Court: It is therefore Ordered by the Right Honourable the Lord Keeper that the Officers, Clerks and Ministers of the said Court of *Chancery*, do from henceforth take notice of his Majesties Gracious Pleasure, and do permit and suffer the said *George Mynn* to have, take and sue forth the Process and Writs of the said Court of *Chancery*, and to have and enjoy his Priviledges and Preheminence of the said Court in such ample manner as the said *George Mynn* had (and of right

Clerk of the Hanaper tho' suspended from the Execution of his Office, yet allowed his Priviledge.

right ought to have had before the ſaid Sentence of Suſpenſion, and in ſuch ſort as they themſelves the ſaid Officers, Clerks and Miniſters of *Chancery*, or any of them, do now hold and enjoy the ſame.

Martis 24 die Junii Anno Regni *Caroli* Regis 13*tio*. 1637.

Fees of the Affidavit Office.

Ordo Curiæ.

WHereas *William Robinſon*, and *John Robinſon* Regiſters of Affidavits in this Honourable Court have been Suitors to have the Fees belonging to them in reſpect of the ſaid Office of Affidavits reduced into a Table to be Signed and hung up in the Affidavit-office, alledging that ſuch a Table was heretofore made and Signed by the late Lord Chancellor *Eleſmore*, and Sir *Julius Cæſar*, Knight, late Maſter of the Rolls, but the ſame Table hath been miſſing for divers years paſt; and albeit by ſpecial direction of this Court diligent ſearch and enquiry hath been made for the finding out the ſaid Table for the ſpace of a year and more laſt paſt, yet the ſame can in no wiſe be found or produced: Whereupon by further Order and direction

ction of this Court Interrogatories have been exhibited, and divers ancient Clerks and Practicers of this Court have been examined to discover and find out the due Fees belonging to the said Office, and contained in the said Table of Fees, Signed and subscribed by the said late Lord Chancellor and Master of the Rolls, which Depositions the right Honourable *Thomas* Lord *Coventry* Lord Keeper, &c. and Sir *Dudley Diggs*, Knight, Master of the Rolls, having seriously perused and advised of, and well weighing how needful it is that the Fees of the said Office should be certainly known, as well that the Subject may know what to pay, as the Officer be directed what he ought to receive or take: It is therefore this present day by the said Lord Keeper, with the advice and assistance of the said now Master of the Rolls, Ordered, declared, and decreed, that the Fees hereafter mentioned, are the due Fees belonging to the said Office, and so shall be esteemed and taken hereafter; and the Register and Registers of Affidavits of this Court for the time being, and their Deputy and Deputies successively from henceforth shall and may receive and take the several Fees hereafter mentioned, and none other, that

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is to say for Filing every Affidavit 4 *d.* for Regiſtring of every Affidavit 4 *d.* the ſide, for the Copy of every Affidavit 4 *d.* the ſide, for the Regiſter or his Deputies hand to every Copy of an Affidavit 12 *d.* for every Certificate with the Regiſters hand or his Deputies hand to it 12 *d.* And it is Ordered that a Table of the particular Fees before expreſſed ſhall be fairly written and Signed by the ſaid Lord Keeper and Maſter of the Rolls, and then hung up in the ſaid Office, to the end that all Suitors may certainly know what they ought to pay for the Filing, Regiſtring, Copying, Signing or certifying of any Affidavit. Provided always, that if the ſaid Table ſubſcribed by the ſaid late Lord Chancellor, and the then Maſter of the Rolls, ſhall be hereafter found; and if thereby, or by any other due proof it ſhall be made appear that the Fees allowed by the late Lord Chancellor, and Maſter of the Rolls, did in any thing vary from the Fees thereby allowed, then this Court will take ſuch further conſideration and order for reducing the Fees herein limited to the former rule or proportion as ſhall be meet.

Table of Fees of the Affidavit Office for Filing, Regiſtring, Copying, Signing, and certifying any Affidavit.

Tho. Coventry C. S.
Dud. Digges.

Sabbati

Sabbati 4 die Novembris Anno Regni *Caroli* Regis 13*tio*. 1637.

Diviſion of buſineſs of the Six Clerks Office according to the Letters of the Alphabet.

Ordo Curiæ.

Vide infra 25 Jan. 61. & per 1 Feb. 68. that Order repealed.

WHereas the Six Clerks of this Court according to the power and liberty by the Kings Majeſty in that behalf given to them, have with the allowance and approbation of the Right Honourable the Lord Keeper divided and diſpoſed the Pleadings and Buſineſſes of their ſeveral Offices according to the Letters of the Alphabet, and in that manner do now exerciſe and continue the doing thereof which allowance and approbation was only temporary until upon trial the Convenience or Inconvenience ſhould appear therein. And now lately ſome complaints having been made by the Under-Clerks touching the ſaid courſe which the Lord Keeper and Maſter of the Rolls do intend to take into their conſideration with all poſſible ſpeed. And whereas by the Death of Mr. *Ceſar*, lately one of the ſaid Six Clerks, and in that no other Six Clerk is yet ſworn or admitted into his place, the buſineſs of the ſaid Office may ſuffer much by delay

delay and want of overſight thereof during the Vacancy of an Officer in the ſaid place, his Lordſhip and the Maſter of the Rolls being informed thereof, and taking the ſame into their Conſideration, and having care to prevent delay to the Client in his ordinary proceedings, and for the better furtherance and diſpatch of the buſineſs of the ſaid Office, have thought fit, and do hereby order and appoint without prejudice to any thing which may be ſaid for or againſt the ſaid Diviſion by Alphabet, that for and during the Vacancy of a ſworn Officer in Mr. *Ceſar*'s ſaid place, *Francis Heath* who was Deputy under Mr. *Ceſar* when he lived, and is ſtill a Clerk in the ſaid Office, ſhall and may in and for the ſaid Office, and according to the Diviſion aforeſaid, Sign and File all Bills, Anſwers and other Pleadings, and Sign all Copies, Decrees and Diſmiſſions, and Certificates, and in his own name during the ſaid Vacancy, ſhall give, receive and enter all kind of uſual Rules and Bills of Coſts, and paſs all Writs and regular Orders, and diſpatch all other buſineſs and proceedings which ſhall happen or ought to be done within or for the ſaid Office according to the Diviſion aforeſaid, and receive

Diviſion of the Pleadings, and ſeveral buſineſſes of the Six Clerks Office, according to the Letters of the Alphabet, but a Temporary and probationary cuſtom, yet during the Vacancy of a Six Clerk allowed to one who was appointed by the Court ſo to do.

receive the due Fees for the ſame ſeveral ſervices in ſuch manner and form as the ſaid Maſter *Cæſar* himſelf ſhould, might or ought to have done if he had lived, and that all ſuch buſineſs and proceedings being by the ſaid *Francis Heath* ſo done and expedited as aforeſaid, ſhall ſtand and be firm to all intents and purpoſes, as if the ſame had been done by Mr. *Cæſar* himſelf living, or by any Officer ſworn in his ſaid place ſince his deceaſe: Provided that this Temporary and Proviſional Order be not in any thing prejudicial to any benefit profit or power of the Mr. of the Rolls, but be uſed only for the neceſſary diſpatch of the Subjects buſineſs until a more ſetled courſe may be taken therein.

Tho. Coventry.
Dud. Digges.

Martis 7 die Novembris, Anno Regni *Caroli* Regis 13. Inter *Hugonem ap Richard Lewis*, & al' quer' *William Owen* & al' Defendants. 1637.

Touching Examination of Witneſſes.

Ordo Curiæ.

WHereas in this cauſe ſome Queſtions did ariſe touching the courſe of the Court; whether any new Interro-

Interrogatories might be exhibited to new Witneſſes in Court after a joint Commiſſion executed in the Cauſe; and the Maſter of the Rolls having heard what the Six Clerks and Examiners could ſay touching the ſame. And the Six Clerks affirming that by the courſe of the Court no new Interrogatories may be exhibited in Court after a joint Commiſſion executed in the Country. And the Examiners averring that it hath always been the conſtant courſe of the Court, that new Interrogatories may be exhibited in courſe for the Examination of any new Witneſſes, as often as the Client had occaſion till publication, what Commiſſions ſo ever there had been in the cauſe, and that the Right Honourable the Lord Keeper had ſo declared himſelf at the publiſhing of the late Ordinances when this very point was urged by the Six Clerks; the Maſter of the Rolls did this day declare in Court that he hath peruſed the Orders of this Court, and the late Ordinances made by the Right Honourable the Lord Keeper, and doth not find any thing therein to reſtrain the Exhibition of new Interrogatories into Court at any time before publication for examination of new Witneſſes. And that he having had conference with the

New Interrogatories may be exhibited into Court for Examination of new Witneſſes at any time before publication, tho there have been joint Commiſſions in the cauſe.

the L. Keeper for his opinion therein, his Lordſhip was clear of opinion that new Interrogatories may be exhibited into Court for Examination of new Witneſſes at any time before publication, although there have been joint Commiſſions formerly executed in the Cauſe, and therefore this Court doth now declare the ſame to be the courſe of the Court herein, and doth order that the Order of reference to Sir *John Mitchill* for ſuppreſſing ſuch Depoſitions taken in this Cauſe be diſcharged, and a Vacat entred thereupon.

Privil' per Exam'.

Lunæ 18 die Junii Anno Regni *Caroli* Regis 14. 1638.

Concerning the Clerks of the Inrollments.

Ordo Curiæ.

WHereas by the Letters-Patents of Incorporation of the Clerks of Inrollments 16 *Eliz.* it was ordained for the prevention of many abuſes that one of thoſe Clerks, or at leaſt one of their Deputies ſhould always attend the acknowledging, vacating or cancelling of all Deeds and Recognizances, which as appeareth by the Rules of the Court ſucceeding Chancellors have ordered,

as alſo that all Deeds and Recognizances ſhould within few days after the acknowledgment be Inrolled and duly brought over to the Chappel of the Rolls; foraſmuch as after many Commandments and Intimations given by me for the performance thereof, there is yet continually ſo great a neglect that no Clerk of the Inrollments, nor any of their Deputies do at any time attend that ſervice; I have thought fit to order, and do hereby order and require the Clerks of Inrollments to reform this Error, and either cauſe their Deputies to wait more diligently, or elſe to change them according to the power given them by thoſe Letters-Patents; and becauſe the Records which heretofore were duly brought over to the Chappel of the Rolls once in ſix Months, are now divers years detained in the hands of Under-clerks, I do Order and require the Clerks of the Inrollments immediately to take order that all the Inrollments of 11 & 12 *Car.* or before be brought this enſuing long Vacation into the Chappel of the Rolls according to the ancient manner there to be Filed and Calendred for the ſervice of his Majeſty, and the uſe of his Subjects.

Clerks of the Inrollments, or their Deputies to attend their Office, and that Deeds and Recognizances be Inrolled within few days after the acknowledgment.

Martis

Martis 9 die Junii Anno Regni *Caroli*, Regis 14. 1638.

Concerning Transferring of Records.

Ordo Curiæ.

THE Maſter of the Rolls in the Examination of a Cauſe depending in this Court betwixt *Matthew Brookesby* Eſq; Plantiff, and *Tho. Maſon* Clerk, and others Defendants, having diſcovered ſome irregularities in the transferring of Records from one Attorney to another in the Six Clerks Office by the Under-clerks, whereby divers inconveniencies and prejudices have and may hereafter come to the Client by miſcarrying of the ſaid Records; and finding howſoever the ſame is now practiſed and permitted by the Six Clerks, who when a Pleading is Filed with one of them do many times intruſt the Under-clerk, who is towards that Cauſe with the delivery thereof to the Attorney of the other ſide: Whereas by the ancient courſe and practiſe, the Attorney with whom the ſaid Record is once Filed, ought with his own hands, or by the hands of his Filing Clerk to deliver the ſaid Record to the hands of the Attorney of the other ſide, or his Filing-Clerk without truſting any

any other therewith, whereof the Maſter of the Rolls having certified the Right Honourable the Lord Keeper, wiſhing a reformation might be had thereof, his Lordſhip having taken the ſame into his grave conſideration, for the preventing and avoiding of any farther prejudice or miſchief that may at any time hereafter come unto the Client by ſuch Errors or miſcarriages as aforeſaid, doth think fit, and ſo order, that from henceforth the Attorney of this Court upon the Filing of any Pleadings or Record with them, ſhall by himſelf or his Deputy transfer and deliver the ſame Pleadings or Record to the Attorney of the other ſide or his Deputy without truſting any other Clerk to do the ſame, and to the end that thoſe Errors and inconveniences may be prevented and avoided for the future, which do and may ariſe by reaſon ſometimes more Records and Pleadings are entred in the Attorneys Filing-Book, than in the Tituling Book of the ſame Attorney: It is thought fit, and ſo ordered by his Lordſhip, that every of the Six Clerks or their Deputies ſhall from henceforth after the end of every Term, and before the beginning of the then next Term, examin and compare the Tituling-Book by them

The Attorney of this Court upon the Filing of any pleadings or Records with him ſhall by himſelf or his Deputy transfer the ſame to the Attorny of the other ſide.

Every Six Clerk after the end of every Term ſhall examine their Tituling Book by the Filing-Book.

them kept, and the Filing-Book kept for the ſame Office, the one with the other, and certifie the Errors and ſupply the defects and omiſſions which they ſhall find therein, that both may be made perfect and agreeable the one with the other.

Ordo Curiæ vel Ordo Regis pro Fees. 1638.

Concerning Fees.

Ordo Curiæ.

Juries in all the Courts to enquire the Fees of the Courts.

IT is his Majeſties pleaſure that the Judges of all his Majeſties Courts at *Weſtminſter*, that have occaſion to Impannel Juries of the Officers and Clerks of the ſame Courts to enquire of matters concerning the ſame Courts ſhall Impannel ſuch Juries this Term, and enquire what Fees have been uſually taken in ſuch of his Majeſties Courts of Juſtice by the ſeveral Officers of the ſame Courts for the ſpace of thirty years laſt paſt, upon Certificate whereof his Majeſty will take ſuch courſe for the ſetling of thoſe Fees in the ſaid ſeveral Courts as to his Wiſdom ſhall ſeem meet; and the Lord Keeper is not only to perform this his Majeſties pleaſure in the Court of *Chancery*, but to ſignifie the ſame his Majeſties pleaſure to the Judges of

of the other Courts that they may perform the ſame this Term.

The Oath of the Officers that are to enquire of Fees in the Court of Chancery.

YOU ſhall diligently enquire and true Preſentment make of all ſuch Fees and payments as now are, and by the ſpace of thirty years laſt paſt have been uſed to be taken by any Officer, Miniſter or Clerk of this Court, as belonging or claimed to belong to him or them by reaſon of his Office, place or Clerkſhip, and what Fees now taken or claimed have been begun, inhanſed, increaſed or innovated within the ſpace of thirty years, and when, and how long ſince, and how the ſame were ſo begun, innovated, inhanſed or increaſed.

Martis 23 die Junii Anno Regni *Caroli* Regis 16. 1640.

Concerning Subpœna's.

Ordo Curiæ.

THe Right Honourable the L. Keeper taking notice that Subpœna's *returnable immediate* have been lately granted upon Petition by the Maſter of

of the Rolls, which is a thing proper to be granted by his Lordſhip, and not otherwiſe. It is ordered that all the Clerks of this Court do hereby take notice that from henceforth they may not take forth any *Subpæna returnable immediate* without the ſpecial command of the Lord Keeper.

No Clerk ſhall take out any Subpæna returnable immediate without Order of the Lord Keeper.

Veneris 26 die Junii, Anno Regni *Caroli* Regis 16*to*. 1640.

Concerning Subpæna's ad audiendum Judicium.

Ordo Curiæ.

Viđe ſupra, 1. Order confirmed, fol. 1.

WHereas ſeveral Lord Keepers of the Great Seal of *England* having been informed of ſundry abuſes in the untimely and diſorderly ſetting down of Cauſes for hearing in this Court, and the obtaining of *Subpæna's ad audiendum Judicium* thereupon, whereby ancient Cauſes have been kept back from hearing, and other Cauſes thruſtin, to the prejudice of other Clients, and ſcandal to the Court, the Six Clerks towards the Cauſe never being made acquainted therewith, for Reformation whereof their Lordſhips upon ſundry Complaints to them made, have by ſeveral Orders of the 18*th*. of *Feb*. 19 *Jacob. Regis*, the 28*th*. *May*, 21 *Jac*. and the 30*th*. *June* 1*th Car*. now

now peruſed by the Right Honourable the Lord Keeper that now is, Ordered and required that hereafter it ſhould be carefully obſerved that no Subpæna ſhould be made *ad audiendum Judicium* for any Cauſe of hearing whatſoever before the Clerk that makes the ſame Writ have a Note under the hand of the Six Clerk that is Attorny in the Cauſe, and under the hand of the Regiſter, and in their abſence under the hand of their ſufficient known Deputies to warrant the ſame; and that if any ſuch Clerk ſhould preſume to offend therein, then the ſaid Clerk ſo offending was to ſtand committed for ſuch his contempt. Now foraſmuch as the Right Honourable the now Lord Keeper was this day informed by the Six Clerks of this Court that of late times the ſaid Order hath been neglected, and divers Subpæna's have been made without any ſuch Note from them or their Deputies in contempt of the ſaid Order: Whereupon his Lordſhip minding, as his Predeceſſors have done, to have the ſaid Order put in Execution in all points, and the penalty aforeſaid to be inflicted upon the offenders; Doth now Order, that the Clerks of the Subpæna-Office having notice hereof, ſhall at their peril, and under the penalty

No Subpæna *ad audiend' Jud'* before the Clerk have a written Note under the hand of the Six Clerk and Regiſter to warrant the ſame.

nalty aforeſaid, obſerve and perform the aforeſaid recited Order, without putting the ſaid Six Clerks to make further Complaints to his Lordſhip for breach thereof.

Jo. Finch C. S.

Sabbati 23 die Januarii Anno Regni *Caroli* Regis 22. 1646.

At the Rolls, Maſter of the Rolls Sir *Edward Low*.

Concerning Decrees made with the Aſſiſtance *of the Judges.*

Ordo Curiæ.

Injunctions, Decrees, and Diſmiſſions made by any of the Judges ſitting in *Chancery*, to be Signed by them.

IT is ordered that all Injunctions, Decrees and Diſmiſſions hereafter to be granted or made by any of the Judges ſitting in Chancery, ſhall be firſt Signed by them, or ſuch of them as ſhall grant or make the ſame, before the Order, whereby the ſame ſhall be ſo granted or made, ſhall be entred in the Regiſter; whereof all the Six Clerks and other Clerks of this Court are to take notice, and carefully to obſerve the ſame, and to enter the Orders before the ſame be Signed by the Commiſſioners.

Lunæ

Lunæ 26 die Aprilis Anno Regni *Caroli* Regis 23. 1647.

Concerning Petitions.

The Earl of *Manchester* Speaker.

Ordo Curiæ.

THE Right Honourable the Commissioners for the Custody of the Great Seal of *England* taking into consideration the many complaints that have been made of divers Process of this Court, and other proceedings therein grounded upon Petitions Signed by their Honours, or by the Master of the Rolls, without Filing such Petitions with the Register, and entring Orders thereupon, whereby divers persons have been put to trouble and charge unwarrantably, and the said Petitions and the Process and Proceedings thereupon have been discharged for want of entring Orders upon the said Petitions, and Filing them as they ought to be, to the end the same may be and remain as a Warrant for such Process and Proceedings where the Suitors may expect to find the same, by which undue courses the Suitors have lost the benefit of such Petitions, and the Process and Proceedings there-

upon, their Honours do therefore order and command all Officers and Clerks of this Court for the prevention of the like prejudice and loſs to the Suitors for the future, that no Officer or Clerk of this Court ſhall from henceforth make or iſſue forth any Subpæna's Attachments, or other Proceſs of this Court, nor proceed or admit of any Proceedings in any Cauſe depending in this Court upon ſuch Petitions ſo Signed by their Honours, or by the Maſter of the Rolls, until ſuch Petition ſhall be firſt Filed with the Regiſter, and an Order drawn and entred thereupon, to the end the Suitor may know whither to reſort to ſee the Warrant for ſuch Proceſs and Proceedings: And their Honours do declare and Order that all ſuch Subpæna's, Proceſs and Proceedings, as ſhall at any time hereafter iſſue and be had upon ſuch Petition, being not Filed, nor any Order entred thereupon, ſhall be null and void as irregular and undue, and ſhall not bind the adverſe party, whereof the Officers and Clerks of this Court are to take notice at their peril.

No Subpæna, Attachment, or other Proceſs of this Court ſhall iſſue out upon any Petiton ur-till ſuch Petition ſhall be firſt Filed with the Regiſter, and an Order entred thereupon.

Martis

Martis 19 Octobris Anno Regni *Caroli* Regis 23. 1647.

Two Perſons committed to the Fleet for Imbezelling the Records of the Court.

Ordo Curiæ,

For committing to the *Fleet* two perſons that imbezelled the Records of the Court.

WHereas the Honourable the Maſter of the Rolls, having been informed of a great abuſe and miſdemeanor committed by *William Newdigate* and *Robert Gold* in taking out of the Six Clerks Office divers Decrees and Records of the Court, and diſpoſing them to other uſes, and his Honour having Examined the matter, and finding the ſaid perſons guilty of the ſaid Crimes: It is Ordered that the ſaid *William Newdigate* and *Robert Gold*, do ſtand committed to the Priſon of the *Fleet* until further Order ſhall be taken. This Court intending to inflict Exemplary puniſhment upon them, as the nature of ſuch offence doth deſerve.

Ordinances received and provided this Hillary *Term*, Anno Caroli Regis 22. 1646. *by the Right Honourable* Edward *Earl of* Mancheſter, *Speaker of the Houſe of Peers* pro tempore, *and the Honourable* William Lenthall, *Eſq*; *Speaker of the Houſe of Commons, and Maſter of the* Rolls, *Commiſſioners for the Great Seal of* England, *for the Redreſs of ſundry Diſorders in Proceedings in Cauſes and of other Abuſes of late crept into his Majeſties High Court of* Chancery.

FOraſmuch as by undue Proceedings and abuſes, eſpecially of the under Clerks ſerving in the Offices of the Six Clerks who are the only and proper Attorneys in the High Court of *Chancery*, the Ancient Rules and ſetled Government of this Court are diſturbed and perverted, to the Diſhonour of this Ancient and Honourable Court: For the more ſpeedy redreſs of which Enormities, and to prevent the like for the future, until the Committee appointed by Parliament for the Regulating the Proceedings in *Chancery*, ſhall take further care thereof: This Court upon due

and

and mature consideration had, hath thought fit to publish and declare, and do hereby publish, declare and order to the end that all disorders already crept into the Office of Six Clerks in this Court may be reformed, and for prevention of abuses for time to come, in the practice and proceedings of and in the said Office of the Six Clerks.

1. Paper Copies in *Chancery* to contain fifteen Lines in every sheet, and to be Signed by the Six Clerk before they are delivered out of the Office.

That all Copies in *Chancery* written in Paper, shall contain 15 Lines at the least in every sheet thereof written orderly and unwastefully, all which Copies before they shall be delivered out of the Six Clerks Office shall be Signed with the name of the Six Clerk to whom they do belong of his proper hand-writing, or in his absence by his Deputy by him to be appointed, for whom he will answer, and if any Copy shall be delivered out of the Clerks Office not so Signed as aforesaid, the same shall not be made use of in Court, or by any Master or Sollicitor.

2. No Subpæna *ad audiend' judicium* to be sued forth but by Note in writing under the Six Clerks hand.

No Subpæna *ad audiendum Judicium* shall henceforth be made or sued forth but by Note in Writing of the Six Clerks hand, as shall be the parties Attorney in the Cause, or such his Deputy as aforesaid in his absence for Warranting the same, for which Note only no new Fee shall be taken.

3. Replication to be first entered and Filed before a *Subpœna ad Rejungendum* shall issue out.

No fruit shall be taken of any Subpœna *ad rejungendum*, unless there be a replication first entred with and Filed by the Plaintiffs Six Clerk in the Cause according to the course of the Court, before the issuing out of the said Subpœna, or at least before the return thereof; and the parties upon whom such Subpœna shall be served, finding no Replication so Filed before the return thereof, shall have the ordinary Costs taxed.

4. Register not to enter any common Rule or Attachment, but by Warrant under the Six Clerks hand.

The Register of the Court shall not enter in his Office any common Rule or Attachment, which issues from the Six Clerks Office, but by a Note or Warrant under the Six Clerks own hand that is Attorney in the Cause, or such his Deputy as aforesaid. And the Six Clerks are carefully to see that all Common Rules and Attachments be from henceforth duly entred in the House-Book, and with the Register according to the ancient course of the Court, and no under Clerk in the said Office shall enter any Rule either in the House-Book, or the Register, until the same be first entred with the Six Clerk to whom the said Rule is proper to be given.

All common Rules and Attachments to be duly entered into the House-Book, and with the Register.

No

5.

No Bill, Anſwer, or other Pleadings ſhall be Copied before they be duly Filed, and the hands of the Six Clerk towards the Cauſe, or in his abſence ſuch his Deputy as aforeſaid thereunto put; nor any Depoſitions or Anſwers taken by Commiſſion to be opened or Copied till they be truly returned and delivered to the Six Clerk himſelf out of whoſe Office the Commiſſion iſſued, or in his abſence to ſuch his Deputy as aforeſaid, and until the Publication be duly paſſed in the Cauſe as hath been anciently uſed.

No Bill, Anſwer or Pleadings ſhall be Copied till they be duly filled.

No Depoſition or Anſwer taken by Commiſſion to be opened or Copied till they be truly returned to the Six Clerk.

6.

No Bill, Privy Seals, Commiſſions, Warrants, or other Pleadings, Commiſſion, Decrees, Diſmiſſions, Injunctions or Records whatſoever ſhall from henceforth be carried to be Engroſt, Enrolled, Copied, or otherwiſe uſed by any of the under Clerks to their Chambers, or elſe where out of the Six Clerks Office or Lodgings there, and when, and ſo ſoon as any Clerk ſhall have Ingroſſed, Inrolled, Copied, or uſed any ſuch Warrants, Pleadings, Commiſſions, Decrees, Diſmiſſion, or other Record in the ſaid Office, he ſhall bring the Original thereof preſently back to his Maſter, or to ſuch of the Six Clerks to whom the cuſtody of the ſame doth

No Bill, Privy Seal, Commiſſion, Decrees, Diſmiſſion, Injunctions or Record to be carried to be Ingroſt, Inrolled, Copied, &c. by the under-Clerks at their Chambers, and ſo ſoon as they are Ingroſſed, Copied, or Inrolled, then he ſhall bring the Original Bill to the Six Clerk.

Within one Term any cauſe ſhall be determined by Decree or Diſmiſſion, the ſame be delivered to the Six Clerk.

or ſhall belong, for the more ſafe keeping or diſpoſing thereof: And it is further ordered, that within one Term after any Cauſe ſhall be determined by Decree or Diſmiſſion, every Clerk that ſhall have any Decree or Diſmiſſion, or that ſhall have any other Record of or touching the Cauſe in his cuſtody, ſhall deliver the ſame to that Six Clerk to whom it ſhall belong to keep the ſame, or to ſuch his Deputy as aforeſaid, according to the Ancient Uſage.

7.

No Decree Diſmiſſion, Injunction, &c. ſhall be preſented by the Regiſter to be Signed without the Six Clerks hand Subſcribed.

No Decree, Diſmiſſion, Injunction, or other Writ, ſhall be preſented by the Regiſter of this Court, his Deputy, or any other, to the Lord Chancellor, or Keeper, or other Commiſſioners for the keeping of the Great Seal, or Maſter of the Rolls for the time being, to be Signed without the proper hand of the Six Clerk in the Cauſe, or ſuch his Deputy as aforeſaid in his abſence firſt Subſcribed thereunto.

8.

In all Joint Commiſſions the Commiſſioners Names ſhall be enterd in a Book for that purpoſe to be kept by the Six Clerk.

That in all Joint Commiſſions to take Anſwers, examine Witneſſes, prove Contempts, and other ſpecial Commiſſion directed by the Court, the Name of the Commiſſioners agreed on ſhall be entred in a Book for that purpoſe to be kept by the Six Clerk himſelf who hath the carriage of the Commiſſion, and Subſcribed unto by each Six Clerk in the

the Cauſe, or in their abſence by ſuch their ſeveral reſpective Deputy or Deputies, whereby no alterarion may be had of the Commiſſioners Names agreed on, but by Order, and that the under Clerk preſume not to agree upon the Commiſſioners Names after any other manner.

Laſtly, It is Ordered that theſe Orders be fairly written in ſeveral Tables, and hung up in the Office, every Term, in the Court, to the end that all Counſellers, Clients, Clerks, and Sollicitors, may the better take notice of them to obſerve them, and that they be likewiſe entred with the Regiſter of this Court.

Rec. 21. *Jan.* 23 *Car.*
& Intrac. tunc.

E. Manchester C. S.
William Lenthall C. S.
William Lenthall
Mag. Rot.

Lords Commiſſioners.

Sabbati 26 die Maii Anno Regni *Caroli* Regis 25. 1649.

Filing of Affidavits.

Ordo Curiæ.

WHereas Mr. Attorney General did this day move on the behalf of *Sheffield Stubbs* Regiſter of the Affidavits of this Court, and produced ſeveral General Orders made by this Court, concerning the Filing of Affidavits, contrary to which Orders there have been ſeveral abuſes committed in not Filing of Affidavits, and therefore was prayed that a General Order might be made for the redreſs thereof: It is Ordered that their Lordſhips be attended herein and put in mind thereof when other General Orders are made, and then ſuch Order ſhall be made as ſhall be fit.

Lunæ 26 die Novembris Anno 1649.

Concerning Injunctions.

Ordo Curiæ.

WHereas heretofore the courſe of the High Court of *Chancery* hath been, when the Defendant or Defendants pray a *Dedimus Poteſtatem*, to anſwer in the Country upon motion made by the Plaintiff, the Court did grant

grant an Injunction to ſtay Suits at Law, which motion many times was hard to be obtained, and chargeable to the Client; this Court for a remedy of the ſaid inconveniency, and for the eaſe of the Client doth order and declare, that for the future whenſoever the Defendant or Defendants ſhall pray a *Dedimus Poteſtatem* to take their Anſwer, Plea, or Demurrer in the Country that the Plaintiff, Six Clerk, or ſuch his under Clerk as he ſhall appoint, ſhall without motion made to the Court, prepare and draw a *Docquet* and Writ of Injunction of courſe, unto which *Docquet* it is ordered by the Court that the Six Clerks that are Attornies in the Cauſe, or their reſpective Deputies, ſhall ſubſcribe their Names, and in which Writ the Cauſe of granting the ſaid Injunction is to be expreſt in the uſual form; which *Docquet* and Writ being ſo prepared ſhall be preſented to be Signed as formerly. And this Court doth further order, that this Order ſhall be obſerved for a conſtant Rule in this Court by the Six Clerks, and their under Clerks, that the Client may have the benefit thereof; and if any Injunction in ſuch caſe do iſſue forth in any other manner than

Writ of Injunction of courſe upon a *Dedimus Pot.* to take Anſwer, Plea, or Demurrer without motion by the Plaintiff.

as

as before is expreſt, it ſhall be void and of no effect.

B. Whitlock C. S.
R. Keble C. S.
Jo. Liſle C. S.
W. Lenthall C. S.

Sabbati 8 die Decembris, Anno 1649.

Touching Records.

Ordo Curiæ.

IT is this day Ordered by the Honourable the Maſter of the Rolls, that the Records of this Court untill 5 *Car.* now remaining with the Six Clerks of this Court in the Office of the ſaid Six Clerk, be tranferred over to the Chappel of the Rolls to be ſafely kept there according to the uſual courſe, and all the Callender thereunto belonging, that may be had between this and the beginning of next Term. And it is alſo Ordered that the Clerks of the Chappel of the Rolls do receive the ſaid Records, and give a Catalogue to the Six Clerks for a receipt of ſo many of the Records as ſhall be transferred over to their hands by the time aforeſaid.

Records to be transferred over to the Chappel of the Rolls.

William Lenthall C. S.

Lunæ

Lunæ 1. Aprilis Anno 1650.

Concerning Priſoners.

Ordo Curiæ.

IT is this day Ordered by the Right Honourable the Lords Commiſſioners for the cuſtody of the Great Seal of *England*, that ſuch Priſoners now in the Cuſtody of the Warden of the *Fleet*, who have made Affidavits according to the late Act of Parliament for Priſoners that are not worth 5 *l.* ſhall have their Liberty by their *Habeas Corpus*, upon their own Security to be given to the Warden of the *Fleet*.

Priſoners in the *Fleet* not worth 5 *l.* to have their Liberties by *Habeas Corpus*.

Veneris 21 die Junii 1650.

Touching the Six Clerks.

Ordo Curiæ.

WHereas only Mr. *Hales* one of the Six Clerks of this Court gave his Attendance this Morning ſitting the Court at the entring into the hearing of the Cauſe wherein *Kitchen* is Plaintiff againſt *Meredith* Defendant, and the reſt of the Six Clerks made default: It is therefore this preſent day Ordered that ſuch of the Six Clerks who ſo made default of their attendance and

Fine on a Six Clerk for not attending at an Hearing.

and ſervice to this Court at the beginning of that Cauſe, be fined 10 *s.* apiece to the Poor, and the Uſher of this Court is to receive the ſame to the uſe aforeſaid.

Lunæ 17 *die Febr', Anno* 1650.

Pleas and Demurrers.

Ordo Curiæ.

THe Right Honourable the Lords Commiſſioners for the Cuſtody of the Great Seal of *England*, taking notice of many inconveniences by the entring Demurrers in the Paper, after the ſame is ſet up in the Regiſters Office, whereby the other Side is many times ſurprized; do think fit and order, That from henceforth the Regiſters do not enter any Plea or Demurrer in the Paper, at the inſtance of any perſon, or Warrant for ſetting down the ſame on any certain day, unleſs the Suitor ſhall bring ſuch Order or Warrant to the Regiſter to be ſo entred, at leaſt two days before the day appointed for hearing ſuch Demurrers or Plea; and that after ſuch Paper made and ſet up in the Regiſters Office, no addition or alteration ſhall be made therein.

Plea and Demurrer to be put into the Paper at leaſt two days before the hearing ſuch Plea or Demurrer, and after ſuch Paper put in the Regiſters Office, no alteration to be made therein.

Jovis

Jovis 31. die Decembris Anno Regni Car' Regis 16. 1640.

The Nobility Anſwering.

Ordo Parl'.

ORdered upon the Queſtion (*Nemine Contradicente*) That the Nobility of this Kingdom, and Lords of the Upper Houſe of Parliament are of Ancient Right to anſwer in all Courts, as Defendants, upon proteſtation of Honour only, and not upon the Common Oath; and that the ſaid Order, and this Explanation doth extend to all Anſwers and Examinations upon Entries in all Cauſes as well Criminal as Civil, and in all Courts and Commiſſions whatſoever; and alſo to the perſons of the Widows and Dowagers of the Temporal Peers of the Land; and that the Lord Keeper of the Great Seal of *England*, for the time being, or the Speaker of the Lords Houſe, for the time being, do forthwith give notice of it, together with the explanation, to all the Courts of Juſtice, and the Judges Clerks and Regiſters of them, by cauſing our former Order, with this explanation, to be recorded in all Courts; and that all Orders, Conſtitutions, or Cuſtoms entred or practiſed to the con-

Peers of the Realm to anſwer in all Courts upon Proteſtation of Honour only.

So the Widows and Dowagers of Temporal Peers.

contrary whenſoever, may be aboliſhed and declared void; and the Lord Keeper of the Great Seal, for the time being, or Commiſſioners of the Great Seal out of Parliament-time ſhall ſee all practice to the contrary hereafter to be puniſhed with exemplary ſeverities, to deter others from the like attempts.

Jo. Browne, Cleric' Parl'.

Lords Commiſſioners.

Wedneſday the 15*th* of Octob. 1651.

Concerning Examiners.

Ordo Curiæ.

UPon motion this day made unto the Right Honourable the Lords Commiſſioners for the Cuſtody of the Great Seal of *England*, by Mr. *Rich*, and Mr. *Raven* on the behalf of the Examiners of this Court, touching an abuſe by ſome perſons of late, often committed in taking out and executing Commiſſions in and about *London*, contrary to the General and Known Rules and Practice of this Court, that no Commiſſion ſhall be executed in *London*, or within twenty miles thereof; and ſeveral Orders of Court heretofore made in confirmation thereof; their Lordſhips do appoint the Examiners to attend

No Commiſſion to be executed in *London*, or within 20 miles thereof.

attend them with the Orders and Preſidents of the Court in this Caſe, and they will then be pleaſed to give ſuch order for relief of this abuſe as ſhall be juſt.

Lords Commiſſioners.

Fryday the 18*th* of June 1652.

Concerning Motions.

WHereas heretofore, *Thurſday* in every Week in the Term-time was appointed by the Right Honourable the Lords Commiſſioners, *&c.* for the hearing of Motions, and ſo obſerved for ſeveral Terms together, to the great benefit of the Suitors; but of late the ſaid Cuſtom hath been let fall without any Direction or Order from their Lordſhips, and Cauſes appointed to be heard every day, except the Firſt and laſt, through the whole Term. Their Lordſhips, upon the motion of Mr. *Chute*, do order that from henceforth, *Thurſday* in every week in the Term-time (unleſs when it happens to be the the ſecond of the beginning, or the laſt day ſave one of the end of the Term) to be obſerved for hearing of Motions only, and the Six Clerk, as alſo the Secretary are to take notice

Ordo Curiæ.

Thurſday in every week in the Term-time to be obſerved for motions only.

notice thereof, and not to tender or procure any Cauſe to be ſet down for hearing on that day.

Thurſday the 16*th* of March, 1653.

An Order made by the Honourable William Lenthall, *Eſq*; *Maſter of the* Rolls, *for the better ordering and ſafe-keeping the Records in the* Six Clerk Offices.

FOr as much as there have been Complaints lately made to the Honourable the Maſter of the Rolls of divers Records loſt, or ſo miſlaied in the Six Clerks Offices, that they are not to be found; which abuſe and other miſchiefs, upon enquiry, he finds to grow from the great neglect of due filing of Bills, Anſwers and other Pleadings, and carrying them out of the Office to be copied, and lying ſcattered up and down the Offices in the Under-Clerks Seats. His Honour taking conſideration thereof, and for redreſs for the future doth order and command all the Clerks in the ſaid ſeveral Offices, that they forthwith turn over all Bills, Anſwers and Pleadings which they have in their ſeveral cuſtodies, or have delivered out to be copied,

pied, and which ought to have been turned over and filed before this time, to the end they may be all forthwith filed with the ſeveral Six Clerks for their ſafe cuſtody. And that all the Clerks hereafter be more careful for the filing all Bills, Anſwers and other Pleadings in due time, and that no Clerk hereafter preſume upon any pretences whatſoever, to Copy any Bill, Anſwer, or other Pleadings before they be duly filed; and that the Client who delivers any Bill, Anſwer, or other Pleading to be ſo copied before the filing thereof, ſhall be adjudged equally faulty, as the other Clerk that ſhall ſo copy them. And that no Clerk ſhall deliver any Record to be carried forth of the Offices to be copied. And it is further ordered, That if hereafter any diſobedience by any of the Under-Clerks in that Office ſhall appear; it is thereby ordered, That the Six Clerks in whoſe Office the default ſhall be found, ſhall forthwith preſent ſuch default to the ſaid Maſter; and if the ſame be found true, ſuch Clerk or Clerks are hereby diſabled to ſit any more in that Office, as an Under-Clerk, or keep any Desk there, and ſhall pay the full Damage and Coſts that the party grieved, whom it may concern, ſhall be at by ſuch default:

Bills, Anſwers and Pleadings to be duly filed, and no Copies to be taken thereof till they are filed.

No Record to be carried out of the Office to be filed.

fault: And it is further ordered, That this Order be fixed up forthwith in the Office of the Six Clerks, that every one may take notice thereof. And his Honour doth further charge and command the Six Clerks, that they reſpectively ſee theſe Orders from time to time duly obſerved, as they will anſwer the contrary at their perils.

William Lenthall.

Order of the Maſter of the Rolls.

Thurſday the 29*th* of June, 1654.

Concerning Records to be brought into the Chappel of the Rolls.

FOr as much as it appears to me, and alſo upon ſeveral Complaints made to me, and diligent enquiry thereupon, that many inconveniences ariſe to the people of this Nation, for that you the reſpective Officers under my charge, do neglect to return and bring into the Chappel of the Rolls, all Inrolments, Inquiſitions and Records in your ſeveral charges; Theſe are therefore to will and require you, and every of you, and I do hereby order you the ſeveral Clerks, the Clerk of the Inrolments, and

and the Clerk of the Petty-Bag to bring into the Chappel of the Rolls all ſuch Inrolments, Inquiſitions and Records as have been uſually brought into the Chappel of the Rolls, and are not yet brought, and are now in any of your reſpective Cuſtodies, together with the ſeveral and reſpective Callenders thereof, fairly written and delivered to my ſelf, at or before the firſt day of *Auguſt* 1654. that thereby ſuch uſe may be made of them, as ſhall be for the moſt advantage and eaſe of the people, and the preſervation thereof more immediately under my view: and if any of the ſaid Officers ſhall neglect their duty herein, ſuch courſe ſhall be forthwith taken for their diſobedience, by ſequeſtration of their ſeveral and reſpective Offices, or otherwiſe as ſhall appertain to Juſtice, and according to former Preſidents in like caſes. And it is further ordered, That this Order, or a true Copy thereof be forthwith delivered to every one of the Officers aforeſaid whom it may concern: And alſo that this Order be forthwith fairly written and fixed in every Office, that no excuſe may be made for want of notice.

Clerk of the Inrolments and of the Petty-Bag, Inquiſitions and Records to be brought into the Chappel of the Rolls.

William Lenthall.

Mon-

Monday the 23*th* of July, 1655.

Concerning Ideots and Lunaticks.

Ordo Curiæ.

Order, Affidavit, or Certificate touching any Ideot, Lunatick, *Non Compos Mentis*, to be filed with the Clerk of the Custodies.

IT is this day ordered, That no Order, Affidavit or Certificate touching any Ideot, Lunatick, or *Non Compos Mentis*, shall be made use of in this Court, unless the same be filed with Mr. *Shadwell* the Clerk of the Custodies within the space of five days inclusive, next after the several and respective dates of such Orders, Affidavits, or Certificates.

N. F. C. S.
J. L. C. S.

Thursday the 9*th* of October, 1656.

Order on the behalf of the Masters of Chancery in Ordinary.

WHereas it appears by several Rules and Orders of this Court, made by several Lord Chancellors and Lord Keepers, that the Masters of the Chancery Extraordinary have been, and are restrained from the exercising or doing any

any manner of Act as Masters of Chancery within the City of *London*, or five miles compass thereof; and the Clerks and Officers of this Court are prohibited to receive or proceed upon any Acts done by the said Masters Extraordinary, within the Compass aforesaid: Upon consideration whereof had, and upon hearing the Masters of Chancery in Ordinary, It is this 9*th* day of *October* 1656. ordered by the Right Honourable the Lords Commissioners for the custody of the Great Seal of *England*, that the said former Rules and Orders of Court do from henceforth stand revived and continue in force. And to the end the same may be the better observed, it is further ordered, That from and after the 25*th* day of *December* next, all Masters Extraordinary, when they certifie any Answer, Affidavit, Deed or Recognizanc, shall therewith also certifie as well the place where, as the time when the same were sworn or acknowledged; or in default of such Certificate of the place; or in case the same shall be sworn or acknowledged within *London*, or five miles compass thereof, such Affidavit, Answer, Deed or Recognizance shall not be admitted filed or inrolled without the special License of the Lords Com-

Masters Extraordinary not to act as Masters in Chancery in *London*, or within five miles thereof.

Masters in Chancery Extraordinary to certifie the time and place of taking any Answer, Affidavit, Deed, or Recognizance.

miſſioners or Maſter of the Rolls. And that this Order be entred in the Regiſter of this Court, and Copies thereof ſet up, and from time to time renewed and preſerved for publick view in the Office of the Chief Regiſter, Chief Clerk of the Petty-Bag, and Clerk of the Inrolments, to the end that the ſaid Maſter Extraordinary, and the ſaid Clerks, and all Attorneys, and other Officers of this Court may take notice and demean themſelves accordingly, and not otherwiſe.

Monday the 16*th* of February, 1656.

Order of the Court.

Of Examination of Witneſſes.

THe Right Honourable the Lords Commiſſioners for the Cuſtody of the Great Seal of *England*, taking into their ſerious Conſideration the words of the late Ordinance for regulation, touching the Execution of Commiſſions, wherein it declared, That after one Commiſſion taken out by the Plaintiff, and not executed, the Plaintiff ſhall be utterly debarred from examining any further Witneſſes in his Cauſe. Their Lordſhips are clear of Opinion, that notwithſtanding the literal ſenſe of the ſaid Regulation, the Plain-

The Plaintiff may take no more Commiſſions than one to examin Witneſſes.

Plaintiff in any Cauſe depending in this Court, may have liberty to examin his Witneſſes in Court as he ſhall ſee cauſe.

Wedneſday the 19*th* of May, 1658.

An Order of the Court, made for preventing the abuſes ariſing from making of Copies of Depoſitions, by Copies taken from the Examiner.

FOraſmuch as Complaints have been often made by the Examiners, and ſeveral Suitors of this Court, of the great injury and prejudice that hath been done to them by Under-Clerks and Sollicitors, making and writing out Copies from Copies of Depoſitions delivered by the Examiner out of his Office, and ſelling the ſame to the Client. Upon ſtrict inquiry into, and examination of the aforeſaid complaint, it hath appeared to the Right Honourable the Maſter of the Rolls, as well by Certificates of the Maſters of this Court to whom ſome of the ſaid abuſes have been referred; as alſo by other good proof, that after Copies of the Depoſitions have been taken from the Examiners, the ſame Copies have been altered in divers places, and material parts

of ſome Depoſitions quite ſtruck out by the party himſelf or his Agent, who took the ſame from the Examiner, and afterwards Copies thereof have been made and given, or ſold to the adverſe party himſelf at mean rates, and ſometimes to his Clerk or Solicitor, who hath delivered them to his Client, and taken the Examiners full Fees for them; and ſometimes the Clerk or Solicitor, when he hath had the Copies of Depoſitions given to him by his Client to breviate or keep for him, hath privately written Copies thereof, and hath extended the ſame to an unreaſonable number of ſheets more than thoſe taken out of the Examiners Office, and then by combination with the Clerk or Solicitor for the other Side, without the knowledge of the Client who took out the ſaid Copies, or the Examiners, have delivered the ſaid waſtfully written Copies to the adverſe party, pretending the ſame are true Copies taken out of the Examiners Office; and have demanded and received of the Client the Examiners Fees for the ſame, and ſhared the monies amongſt themſelves; and do alſo uſe divers abuſes and practices of like nature, whereby Clients have been ruined in their Cauſes, the Court wronged in their Judgment, and the Examiner cou-

couſened of his due Fees, who hath not only the fruits of his own labour unjuſtly ſwallowed up by Clerks and Solicitors for want of the delivery of ſuch ſecond Copies, but doth alſo incur ſcandalous imputations, by reaſon ſuch ſurreptitious Copies are many times falſly made, out of deſign to ruin the adverſe party, and are generally ill and looſly written, being ſuppoſed by the party, who paid for them, and by all others who take notice thereof, to be taken out of the Examiners Office; ſome of which ſaid abuſes and foul practices have been formerly taken notice of, and much endeavoured to be prevented and ſuppreſſed by this Honourable Court, by impriſoning the Offender, and other ways, as by an Order of this Court, dated the 8*th* of *Febr.* 1 *Car.* and another made between *Lockſmith* Plaintiff againſt *Creſwell* Defendant, dated the 16*th* of *May* 10 *Car.* another between *Allington* Plaintiff, againſt *Dandy* Defendant, dated the 5*th* of *July*, 13 *Car.* and divers other Orders appeareth. Therefore the Right Honourable the Maſter of the Rolls taking the Premiſſes into his conſideration, doth think fit and order, That if at any time hereafter it ſhall probably appear to the ſaid Examiners, or either of

The Examiner may take out Subpœna's againſt ſuch as ſhall be ſuſpected to deliver undue Copies of Depoſitions to the adverſe Party or Solicitor, for the examinations of ſuch Offenders upon Interrogatories, and againſt ſuch perſons as he conceives are able to prove ſuch abuſe.

Vide ſupra Anno Regni Car. 1. prima.

them, before or after the hearing of any Cauſe, that any ſuch ſurreptitious Copy ſhall be made as aforeſaid, the Examiner who findeth himſelf aggrieved, may, if he will, take out Subpena's againſt any two, three or more ſuch perſons as he ſhall ſuſpect to have a hand therein, for examination of ſuch miſdores upon Interrogatories in that behalf to be exhibited before the other Examiner, and firſt allowed of by a Maſter of this Court touching the point of Fraud and Abuſes before mentioned; as alſo againſt ſuch perſons whom he conceives to be able to prove the ſaid Abuſe in caſe it be denied; and if upon conſideration had of the Anſwers of the ſaid parties ſuſpected to the ſaid interrogatories or proofs, it ſhall appear unto the ſaid Maſter of this Court who allowed of the Articles, and be by him certified, that the ſaid parties are faulty in all or any of the Abuſes before mentioned, or any of like nature, that then every perſon ſo offending, ſhall for ſuch his miſdemeanor be committed to the Priſon of the Fleet, from whence he ſhall not be diſcharged till he hath given ſatisfaction to the Examiner touching the ſame, provided that if the parties drawn in queſtion ſhall acquit themſelves upon their Examination, and the Ex-

Examiner not be able to prove the ſame, that then the Examiner who called them in by Proceſs, ſhall pay coſts for unjuſt examination, as the Court ſhall think fit.

Mr. Juſtice Windham,
Mr. Hobart,
Mr. Gyles.

Fryday the 25*th* of June, 1658.

Concerning Filing Bills.

Ordo Curiæ.

. . .

UPon conſideration had by the Right Honourable the Maſter of the Rolls, of the many inconveniences and miſchiefs that have and may ariſe by reaſon of the not duly filing of the Bills, Anſwers, and other Proceedings in Cauſes in this Court, and for preventing the ſame for the future, his Lordſhip doth order, That the Parties or their Clerk in Court ſhall bring a Certificate at the hearing of the Cauſe, that the Bills and Anſwers are duly filed with the Six Clerk, and that the Books are duly ſigned, or elſe his Lordſhip will not proceed to the hearing of thoſe Cauſes: And in caſe default ſhall be made in bringing in ſuch Certificate, then the party in whoſe default it is, ſhall pay very good coſts in reſpect thereof.

Certificates to be brought at the hearing, that the Bills and Anſwers are duly filed, and that the Books are duly ſigned.

Monday the 19*th* of July, 1658.

Ordo Curiæ.

Concerning Records.

WHereas there have been divers complaints made to his Lordſhip, that the Records in the Six Clerks Office are not duly brought over into the Chappel of the Rolls, as in former times have been uſed to be done; his Lordſhip doth hereby order and require, That the Six Clerks do this enſuing Vacation bring over into the Petty Bag Office, all the Patent Rolls, and their Warrants, with their Extracts of 1656. and before; and that the Clerk of the Petty Bag do examin the Extracts with the Rolls, and ſend the Extracts into the Exchequer, and the Patent Rolls into the Chappel of the Rolls, with their Warrants, at or before *Trinity Term* next enſuing; and the Six Clerks do alſo immediately ſend into the Chappel of the Rolls all the Decree Rolls of 1656. and before, with the Paper Books that are the Warrants for the ſame, there to be carefully laid up, preſerved and callendred for the ſervice of his Highneſs, and the benefit of the Commonwealth.

The Six Clerks to bring into the Petty Bag Office all the Patent Rolls and Extracts, to be examined with the Rolls, and ſend them into the Exchequer, and the Patent Rolls into the Chappel of the Rolls.

Will. Lenthall.

Mon-

Monday the 19th of July, 1658.

Concerning Records. *Ordo Curiæ.*

WHereas there have been divers Complaints made to his Lordſhip, for that the Records now remaining in the Inrolment Office are not brought over to the Chappel of the Rolls, as formerly have been uſed to be done, his Lordſhip doth hereby order and require, that the Clerk of the Inrolments do bring over into the Chappel of the Rolls, all their Inrolments of 1656. and the years before this enſuing Vacation. And his Lordſhip doth order and require the Clerk of the Chappel of the Rolls, that when the Inrolments are brought over, that they do forthwith lay up the ſame in Preſſes appointed for that purpoſe, and do make Calenders and Entries of them, that ſo they may be ready for the ſervice of his Highneſs, and the benefit of the Commonwealth.

Vide ſupra, 30 *July* 76. 27 *June* 54.

Records to be brought into the Chappel of the Rolls and examined.

Will. Lenthall.

Master of the Rolls, *Sir* Nath. Hobart, *Mr.* Escott.

Saturday the 30*th* of October, 1658.

Concerning Bills and Costs.

Ordo Curiæ.

Paper Books called, the Bills and Costs to be brought into Court.

WHereas upon the motion of Mr. *Powell*, this present day, made upon an Affidavit then read in Court, whereby it appeared, that one *Robert Todd* doth keep several Paper Books, commonly called the Bills and Costs, wherein he enters many Bills and Costs, without any authority for the same, to the great disturbance in proceedings, and in danger of the Clients Causes, it was therefore prayed, that the said *Todd* may be ordered to bring in the said Books, and all Bills entred therein by him, and what other publick Books concerning proceedings in Causes he hath, or lately had, to his Lordship within some short time. It is therefore ordered by the Right Honourable the Master of the Rolls, that the said *Todd* do bring in the said Books, and all other Books concerning proceedings in Causes in this Court, which he had at the time of the making this Order, or any time before, together with the Bills

Bills therein entred, to his Lordſhip upon *Thurſday* next, whilſt he is ſitting in his Court in the Chappel of the Rolls, or elſe to ſhew good cauſe to the contrary, or in default thereof to ſtand committed to the Priſon of the Fleet.

Fryday the 18*th* of February, 1658.

Concerning the Six Clerks.

Order of the Court.

WHereas upon expiration of the late Ordinance for Regulation of the Chancery, there did ariſe ſeveral Queſtions and Differences between thoſe who had been formerly the Six Clerks in Chancery, and thoſe perſons who had, according to the ſaid Ordinance, been ſworn Attorneys in Chancery; upon which differences between them, there was much variety and difference upon Opinion, teſtified by divers Eminent Perſons, learned in the Law, under their Hands; and that thoſe differences, at length, proceeded ſo far, that there aroſe from thence a great diſturbance in the Six Clerks Office, and in the proceedings of the Court, to the prejudice of the Clients there attending their Cauſes. For prevention whereof, and ſetling the matter for the preſent till further order, and

Injunctions to quiet differences between the former Six Clerks and the later, till the meeting of a Parliament.

until a Parliament might be ſitting, who could apply the propereſt and moſt effectual remedy thereunto, an Order was made, bearing date the 4*th* of *March*, 1657. and afterwards (that is to ſay) on *Tueſday* the 20*th* of *July*, 1658. An Injunction was granted in purſuance of the ſaid Order, and for ſettlement of the matters aforeſaid. And whereas now there is a Parliament ſitting, to which the Parties concerned, if they think fit, may apply themſelves, and unto whom the Lords Keepers of the Great Seal of *England* do conceive it doth moſt properly belong to determine the matter in queſtion between the ſaid Parties. Their Lordſhips do declare, that the ſaid Order and Injunction be from henceforth ſet aſide and determined, and that the Parties be left to apply themſelves to the Parliament, or to take ſuch other courſe as they ſhall be adviſed.

N. F. C. S.
J. L. C. S.
B. W. C. S.

Lord

Lord Keeper Mr. William Lenthall.
Monday the 16*th* of May, 1659.

Touching filing of Bills.

Order of the Court

VVHereas by reaſon of the late differences between the Six Clerks, and their Under-Clerks, many diſorders and diſturbances have riſen in the Court of Chancery, by not filing of Bills and other Pleadings with the Six Clerks, according to the ancient Courſe and Order of this Court, by which means the Clients have been obſtructed in their ſeveral Suits, and the Court abuſed, having granted Injunctions without Bills duly filed; for the taking away of which diſturbances, and for prevention of other inconveniences for the future, it is ordered by the Right Honourable, *William Lenthall*, Lord Keeper of the Great Seal of *England*, and Maſter of the Rolls, That all Bills brought unto the Clerk in the Six Clerks Office ſince the 4*th* of *February*, 1657. which are not entred and filed with the Six Clerks be forthwith brought unto the Six Clerks to be entred and filed according to their ſeveral dates. And that all Anſwers, Pleadings and Records whatſoever ſhall forthwith be likewiſe entred and filed with the

Poſt 86.

Bills to be brought in, entred and filed with the Six Clerks according to their ſeveral dates.

Anſwers Pleadings and Records to be entred and filed.

the Six Clerk, and that nō Copies or Certificates ſhall be delivered out of the Office, or uſed, without the Hand of one of the Six Clerks thereunto ſet, or in their abſence the Hand of one of their reſpective Deputies. And it is likewiſe ordered by his Lordſhip, that all Pleadings and other Records whatſoever which the Clerks have in their Houſes or Chambers, be forthwith brought into the Six Clerks Office, there to remain in their cuſtody, according to the ancient and uſual courſe of the Court. And that no Records for the future ſhall by any Clerk or his Servant be carried out of the Office to be copied, or otherwiſe uſed, unleſs to a Maſter of the Court, or by Order of the Court. And whereas his Lordſhip hath been informed, that one *Robert Todd*, an Under-Clerk in the Six Clerks Office, doth keep Books for entring Bills, Attachments, Rules and Coſts to the great diſturbance of the Proceedings in the Office. It is ordered by his Lordſhip, that the ſaid *Todd* ſhall forthwith bring in all the ſaid Books that are in his cuſtody, or have been in his cuſtody ſince the 4*th* of *February* 1657, unto his Lordſhip, to be diſpoſed of according to the ancient courſe and cuſtom of the Court.

No Records to be carried out of the Office to be copied.

Anno 20.

Will. Lentball, C. S.

Lord

Lord Keeper.

Saturday the 21*th* of May, 1659.

Subpœna Office.

Order of the Court.

WHereas I am informed that, Writs to examin Witneſſes in perpetual memory, Writs of *Duces Tecum*, and Writs to ſhew Cauſe upon Orders, are of late made uſe by the Clerks of the Six Clerks Office upon the pretence, that if the word (proceſs) be in the Order, that then as Clerks of the Court they may make them. And that alſo by ſuch Clerks and others appearing on counterfeit Writs of *Subpœna*, much damage doth accrew not only to the *Subpœna Office* it ſelf, but alſo unto the Clients thereof. It is therefore ordered, that from henceforth no Clerk of the Six Clerks Office, or others do appear on any Counterfeit Writ of *Subpœna*; and that no perſon that ſhall be guilty of counterfeiting any *Subpœna* ſhall be permitted to write under, or for any Clerk of the Six Clerks Office, whereof the Six Clerks and their Clerks are to take notice. And alſo that no Clerk of that Office making any Writs of *Duces tecum*,

Writs of *Duces tecum*, Writs to examin Witneſſes in perpetual Memory, or Writs to ſhew cauſe on Orders to be made by the Clerk of the Subpæna-office only.

cum, Writs to examin Witneſſes in perpetual Memory, or Writs to ſhew Cauſe on Orders, but that they be made by the Clerk of the *Subpæna-Office*, as formerly hath been accuſtomed.

Will. Lenthall, C. S.

Lord Keeper.

Monday the 30*th* of May, 1659.

Concerning Filing Bills.

Order of the Court.

Antea 83.

All Bills to be brought into the Clerk in the Six Clerks Office to be entred and filed according to their ſeveral dates. This Order not to extend to Proceſs of Contempt iſſuing out for not appearing, and not anſwering to any ſuch Bills not duly filed, nor to diſcharge any Coſts for want of due filing.

WHereas by an Order, bearing date the 16*th* of *May* inſtant, it was ordered amongſt other things, That all Bills brought unto the Clerk in the Six Clerks Office ſince the 4*th* of *February* 1657. ſhould be entred and filed with the Six Clerks according to their ſeveral dates; His Lordſhip doth declare, That it was not his intention to make good any Proceſs of Contempt that iſſued out for not appearing, or not anſwering to any ſuch Bills, not duly filed with the Six Clerks at the time of iſſuing out of any ſuch Proceſs, nor to diſcharge any Coſts duly obtained for want of due filing of any ſuch Bills with the Six Clerks, but for ſupporting of Injunctions,

ons and other Proceedings upon the merits of the Cauſe. And it is ordered by his Lordſhip, That all Bills and other Proceedings brought, or to be brought unto the Clerk in the Six Clerks Office for the future, ſhall be entred and filed with the Six Clerks, according to the ancient uſe and cuſtom of the Court.

Monday the 16th of April, 1660.

An Order between Walter Long *Eſq; and the Lady* Jermyn *touching the Regiſters Office in* Chancery.

THe ſaid Parties appearing before us this day, upon complaint made by the Lady *Jermyn*, that Mr. *Long* had lately taken divers Books out of the ſaid Office, and carried them to another Place, ſo as the buſineſs of the Office is hindred. And Mr. *Long* now deſiring time to be heard by his Councel; it is ordered that both ſides attend as to be heard herein on *Thurſday* next, and in the mean time the buſineſs of the Office is to be done by the uſual perſons, and in the uſual place.

Order to be heard by Councel touching taking of Books out of the Office.

T. W. C. S.
T. J. C. S.

Thurſday

Lords Commissioners.

Thursday the 19*th* of April, 1660.

Pursuant of the former Order.

WHereas complaint hath been made to your Lordships, that several Books and Papers belonging to the said Office, have by force been lately taken away from thence by *Walter Long* Esq; accompanied with one *Robert Smith*, and others his Assistants therein, and carried away to another place, whereby the business of the Court hath been, and is hindred; and this was done, pending a Reference of Parliament touching the said Office, made to *Denzill Hollis* Esq; and Sir *Harbottle Grimstone* Baronet: And their Lordships have made an Order of the 16*th* of this Month for both Sides to be heard herein this day, touching the said Books and Papers, and all Parties concerned, with their Councel attending. Upon debate of the matter, and hearing what was offered on all Sides, their Lordships having respect to the business of the Court, and that the same may be carried on, and dispatched without interruption, do think fit,

fit, and ſo order, that all the Books and Papers ſo removed, and by force taken and carried away out of the Regiſters Office aforeſaid, by the ſaid Mr. *Long*, and his Agents, and Aſſiſtants, and alſo the Book or Books ſeized upon, and taken away by one *Lanſelot Emot* and his Aſſiſtants, and ſince delivered over to the ſaid Mr. *Long*, be by him the ſaid Mr *Long* brought back, and delivered into the Regiſters Office in *Symonds-Inn* in *Chancery-Lane*, before *Saturday* the 28*th* inſtant, there to remain, and be diſpoſed into the hands of thoſe perſons who formerly had the ſame in their cuſtody. And their Lordſhips do further order and declare, That for the time to come, and until further order, the buſineſs of the Office ſhall be done by the uſual perſons, and in the uſual place aforeſaid; for which their Lordſhips do underſtand that a Rent hath been conſtantly paid, whereunto Mr. *Long*, or any for him, may have free liberty of acceſs. And as to the Order of the 19*th* of *October* laſt made on the behalf of Mr. *Long*, their Lordſhips do declare, that they will take the ſame into their conſideration at the firſt General Seal after *Eaſter* next. And do further order and declare, That all perſons concerned with their

Mr. *Long* to bring back the Books which he had removed, into the Regiſters Office.

their Councel, do then attend touching the ſame. And their Lordſhips do further declare, That this Order ſhall be without prejudice to the Right, Title, or poſſeſſion of any perſon or perſons concerned in the ſaid Office, or pretending any Right thereunto. And that the ſame is not intended by their Lordſhips to hinder or prejudice the ſaid Reference, or any Order or Award to be made by the ſaid Referees therein, but only that the Affairs of the ſaid Office may be carried on peaceably without diſturbance, for the good and benefit of the people, which they looked upon as a thing of preſent neceſſity, and as a duty incumbent upon their Lordſhips.

This Order not to prejudice any Reference or Award to be made by the Referees.

T.W. C.S.
T.J. C.S.

Thurſday the 21*th* of June, 1660.

Concerning Records.

Order of the Court.

WHereas *Nicholas Strode* Eſq; is duly ſworn, and admitted one of the Examiners of this Court, and is kept from the Execution of the ſaid Office by one *Robert Sheires* Eſq; who detains the Exhibitants Records and Writings

Vide ante 5 *Car.* 1.

Writings belonging to the ſaid Office, whereby many of the Suitors of the Court are prejudiced and delayed in their Cauſes. The Right Honourable the Lord Chancellor doth therefore order, that the ſaid Mr. *Sheires*, at his peril, doth forthwith upon ſight hereof, this night deliver the ſaid Records and Writings to the ſaid Mr. *Strode*.

Records to be delivered to a new Regiſter.

Ed. Hyde C. S.

Sabbati 15 die Novembris, Anno Regni *Caroli* ſecundi Regis 12. 1660.

Concerning Affidavits.

Ordo Curiæ.

WHereas the Right Honourable the Lord Chancellor of *England*, and Maſter of the Rolls, have upon due conſideration had by their Honours of the preſent State of the Office of Regiſtring Affidavits in this Honourable Court, and the neceſſary uſe thereof for preventing the imbezelling and falſifying of Affidavits, whereby the Court hath been often abuſed, the courſe of Juſtice interrupted, and the Suitor apparently wronged, or unduly prejudiced. And notwithſtanding Special Orders of the Court heretofore made for that purpoſe, and by directions

ons both publickly, and upon private Petitions given for due observation thereof, yet the same hath been of late years so much neglected, as it is now found necessary for the Honour of the Court, the good of the Suitor, and the righting of the Officer, to give reformation thereunto. It is therefore this present day ordered by their Honours, That all Affidavits of this Court (except those only which belong to the *Supplicavit* Office) shall before the same be executed in Court, or otherwise produced to ground any Order, Writs, Process or Proceedings of Court thereupon be brought into the said Office of Registring Affidavits, and be there filed and registred. And that this Order, both at the Court at *Westminster*, at the Seals, and at the Rolls by the Officers of this Court, and all others whom the same doth, or may concern, be duly observed and kept at the perils of such, as in contempt of this Honourable Court, shall presume wilfully, or negligently to decline, or not observe the same. And further it is ordered by their Honours, that neither the Register of this Court, his Clerks or Deputies shall, or do at any time hereafter draw up, sign or set his, or their hand or hands unto any Order what-

Vide supra 23. *Jan.* 27.

All Affidavits (except those that belong to the *Supplicavit* Office) before they be read in Court shall be first filed and registred in the Affidavit Office, and attested by a Copy thereof under the Officers hand.

Register not to sign any Order granted upon any Affidavit, unless the Affidavit be first filed and registred.

whatsoever granted upon any Affidavit, unless the Affidavit be first filed and registred with the Register of the Affidavits, and attestation brought and shewed to the said Register of this Court, his Clerks or Deputies under the hand of the said Register of the said Affidavits, or his Deputy attending in the said Office. And it is further ordered by their Honours, That no Master of this Court shall accept of or take the Oath of any person to an Affidavit, except the same be fair and handsomly writ in one hand, without blotting or interlining: And in case any Affidavit shall escape the said Masters of this Court, and pass so blotted and interlined, under their, or any of their hands, it is further ordered, That the Register of the Affidavits, or his Deputy shall thereupon refuse the same, and that afterwards no use shall be made thereof in any the proceedings of this Court. And it is further ordered by their Honours, That all Affidavits taken, or henceforth to be taken before any Master of the Court, be brought unto the said Register of Affidavits, or his Deputy for the time being, to be there filed and registred in some due and convenient time after the same be sworn unto, and before use be made thereof in Court, as well to prevent the

To be filed and registred in due and convenient time.

the vexation and trouble of His Majesty's Subjects in coming so often to enquire for such Affidavits before they come into the said Office; as also that the parties against whom the Affidavits be made, may have time by their Counsel to inform the Court of any cause of Exception they may have to alledge against the same, and that all the Clerks of the Court, and Solicitors of Causes there, shall by the end of *Hillary* Term now next following, bring into the said Office all such Original Affidavits as shall remain in their hands, and cause the same to be there duly filed and registred at their perils. And to the End that none may have any excuse of being ignorant hereof, it is lastly ordered, That this Order, being fairly written, shall be set up in Tables, and so shall remain in the several Offices of the Register, the Six Clerks, and of the said Affidavits.

E. H. C.

Har. Grimstone.

Anno

Anno 13 Car. II. Reg.

An Act for aſcertaining and eſtabliſhing of the Fees of the Maſters of the Chancery *in Ordinary.*

'WHereas the Office of the Ma-
'ſters in *Chancery* is of very
'ancient Inſtitution, and of neceſſary
'uſe, and continual attendance for the
'diſpatch of the buſineſs depending in
'that Court; it appearing by ancient
'Records, that the conſtitution of that
'Court was long before the Conqueſt,
'much of the Duty, Pains and Atten-
'dance whereof lieth on the ſaid Ma-
'ſters; and for that it conduceth much
'to the Adminiſtration of Juſtice, that
'thoſe who exerciſe places of Truſt,
'ſhould have competent and certain
'rewards, ſuitable to their pains and la-
'bour, whereby they may have due
'maintenance to ſupport the quality of
'their Places, and that it is but fitting
'and neceſſary for the Subject to allow
'a moderate payment, where they re-
'ceive a proportionable advantage; a
'Fee of four pence, in times of that
'Antiquity, being as much in value as
'two ſhillings now; by reaſon where-
'of in proceſs of time, and the improved
'rate

'rate of all neceſſaries, the preſent re-
'compence of thoſe ancient Offices is
'no way competent and proportiona-
'ble to their pains and attendance,
'which are likewiſe very much increa-
'ſed, without any increaſe hitherto of
'what was ſo anciently allowed as
'aforeſaid: And for that it appears in
'all other Courts at *Weſtminſter*, there
'is twelve pence taken for every Af-
'fidavit, and for that it hath been found
'inconvenient for Suitors to put in An-
'ſwers, or return Commiſſions in the
'private Studies of the Maſters, ſo
'that through the difficulty of finding
'ſuch Anſwers and Commiſſions with
'what Maſter they were left, or
'through the Maſters abſence at ſuch
'time as they were called for, it fre-
'quently happens the perſons conce-
'ved to be in contempt, are expoſed
'to much trouble and charge thereby;
'and for that it is more proper, ſafe
'and ſatisfactory to the Subject in ge-
'neral that Affidavits, Anſwers, Recogni-
'zances and Acknowledgments of
'Deeds ſhall be diſpatched in ſome
'publick, certain and open place,
'where the perſons that do the ſame,
'may be ſeen and known, rather than in
'private Studies or Houſes, for the more
'proper and ſolemn diſpatch of the
'afore-

'ſaid buſineſs, and for the better en-
'couragement of the aforeſaid Maſters
'in the due diſcharge of their places;
'be it enacted by the Kings Moſt Ex-
'cellent Majeſty, by, and with the ad-
'vice and conſent of the Lords and
'Commons aſſembled in Parliament,
'and by the Authority of the ſame,
'That from, and after the three and
'twentieth day of *October*, in the pre-
'ſent year of our Lord 1661. there
'ſhall be one Publick Office kept, and
'no more, as near to the Rolls as
'conveniently may be, in which the
'Maſters, ſome, or one of them ſhall
'conſtantly attend for the adminiſtring
'of Oaths, caption of Deeds and Re-
'cognizances; and the diſpatch of all
'matters incident to their Office; refe-
'rences upon Accounts, and inſuffici-
'ent Anſwers only excepted from the
'hours of ſeven of the Clock in the
'Morning until twelve at Noon; and
'from two in the Afternoon until ſix
'at Night; and that from henceforth
'it ſhall and may be lawful, to and
'for the Maſters of the Chancery in
'Ordinary now being, and which
'hereafter for the time to come ſhall
'be, to demand and take the ſeveral
'Fees hereafter expreſſed, that is to
'ſay,

'For every Affidavit, or Oath taken in the Office, 12 d.

'For every Bill of Costs to be taxed by them for the Plaintiffs, not putting in his Bill, or not proceeding to Reply, or for the Defendants not Appearing in due time, 2 s. 6 d.

'For the acknowledgment of every Deed to be enrolled, 2 s.

'For the caption of every Recognizance, 2 s.

'For every Exemplification examined by two of the said Masters, to each of the said Masters who shall examine the same, for every Skin of Parchment so examined, 2 s.

'For every Report, or Certificate to be made in pursuance of any Order made upon the hearing of the Cause, 1 l.

'And for every other Certificate, or Report of any Order made upon Petition or Motion only, 10 s. to be paid by the party that takes out the Report or Certificate, 10 s.

'Any Law, Statute or Custom to the contrary hereof in any wise notwithstanding. And be it further enacted by the Athority aforesaid, That if the said Masters of Chancery, or any of them shall hereafter, directly or indirectly, by any Act, Shift, Co-

'lou

'lour or Device, have, take or receive 'any Mony, Fee, Reward, Covenant, 'Obligation, Promiſe, or any other 'thing for his Report, or Certificate 'in Writing or otherwiſe, or for any 'other the matters in the Act expreſ-'ſed, other than the reſpective Fee or 'Fees in the Act before mentioned, 'that then every ſuch Maſter, being 'thereof legally convicted, ſhall thence-'forth be diſabled from the execution 'of his ſaid Office of Maſter of the 'Chancery in Ordinary, and alſo ſhall 'forfeit and loſe for every ſuch Offence, 'to the party grieved in that behalf, ſo 'much Mony as he or they ſhall take 'contrary to this preſent Act; and 'moreover ſhall loſe and forfeit 100l. 'Sterling, whereof one moiety ſhall 'be to our Sovereign Lord the King, 'His Heirs and Succeſſors, and the 'other moity to the party grieved in 'that behalf, who ſhall ſue by Action 'of Debt, Bill, Plaint, Information or 'otherwiſe, in any of the King's 'Courts, for the recovery of the ſame; 'in which Action no Eſſoign, Prote-'ction or Wager of Law ſhall be al-'lowed.

Mercurii 12 die Feb. Anno Regni *Caroli* II. Reg. 14. 1662.

Ordo Curiæ.

Priviledge Writs, and Writs in Forma Pauperis.

WHereas the Right Honourable the Lord High Chancellor of *England* was this day informed by Mr. *Collins*, on the behalf of ſeveral Officers and Clerks of the Court, that all ſmall Writs which paſs the Great Seal for all priviledged perſons, and for ſuch as are admitted to ſue in this Court in *Forma Pauperis*; and renewed Writs were, and uſually have been by ancient courſe delivered to the perſon for whom ſuch Writs have been ſealed, or to their Clerks, without paying of any Fee therefore, until of late, that one Mr. *Hutton*, a Clerk or Deputy to the Right Honourable the Lord *Newburgh*, through whoſe Office all Writs of that nature do paſs, hath refuſed to deliver the ſame without paying of Fees for the Seals thereof; his Lordſhip doth order, that all Writs which ſhall be Sealed for priviledged perſons, and for Suitors to this Court in *Forma Pauperis*, and renewed Writs, be from henceforth delivered to the perſons, for whom the

Priviledge Writs, and *Pauper* Writs to be ſealed without Fee.

the ſame ſhall be Sealed, or to their Clerks, without paying or giving any Fee for the ſame. And the ſaid *Hutton* is required to obſerve this Order, and to conform thereunto accordingly.

Mercurii 20 die Aug. Anno Regni *Caroli* II. Regis 14. 1662.

Touching Inrolments of Patents. *Ordo Curiæ.*

WHereas upon the Humble Petition of the Six Clerks of His Majeſty's High Court of Chancery, on the 29*th* of *April* laſt, preferred to the Right Honourable the Lord High Chancellor of *England*, ſhewing, that it having been their ancient and undoubted Right to inroll the Warrants of all ſuch Leaſes as paſs the Great Seal, which they peaceably and quietly enjoyed, until about the tenth year of the late King, one *Baſeley*, by colour of a Patent to him granted of inrolling the King's Deeds, did preſer ſeveral Petitions to the ſaid late King, and to the then Commiſſioners, for exacted Fees, the Lord Keepers, *Coventry*, *Finch* and *Littleton*, that all ſuch Warrants might be delivered to him to be inrolled. But upon hearing the Six Clerks he had no relief, but the Six Clerks

and their Predeceſſors enjoyed their ancient Rights therein; and in the 11*th* year of the ſaid late King, the Lord *Coventry* (upon careful examination thereof, with the concurrent opinion of the then Maſter of the Rolls, and Sir *John Banks* then Attorney General) did, amongſt other of the Six Clerks Rights, certifie the ſaid late King, under his Hand, that it was the Right of the Six Clerks to inroll all Warrants for Patents whatſoever; and that it was the right of the Clerk of Inrolments to inroll all Recognizances, *&c.* in the Cloſe Rolls, which were made from Subject to Subject, or from the Subject to the King, for the Subjects benefit, for the accuſtomed Fee, and (if the Attorney General, or Solicitor require it) to inroll any Deed or Writing, made to his Majeſty, for his own uſe, without Fee. Whereupon the ſaid late King, in the ſaid 11*th* year of His Reign confirmed the ſaid Rights (amongſt others) to the Six Clerks, and the Clerk of the Inrolments, with an Inhibition to all others to intermeddle with their ſaid Rights. Nevertheleſs Mr. *Kipps* (upon a claim by Mr. *Hains*, by colour of the like Grant to him, as formerly to *Baſeley*) refuſeth to deliver ſuch Warrants of Leaſes,

Leaſes, that lately paſſed the Great Seal, to them, to be inrolled. And therefore they humbly prayed his Lordſhip to order Mr. *Kipps* to deliver the ſaid Warrants to the riding Clerk to be inrolled, according to their Juſt Right. Whereupon his Lordſhip deſired the Maſter of the Rolls to call all parties concerned, before him (having heard their ſeveral Allegations) to certifie his Lordſhip how he found the caſe between them: who having accordingly heard them, made his Report or Certificate to his Lordſhip in theſe words, 9 *July* 1662. To the Right Honourable the Earl of *Clarendon*, Lord High Chancellor of *England*: According to your Lorſhips directions the 29*th* of *April*, 1662. Upon the Six Clerks Petition to have the Warrants of Leaſes delivered unto them by Mr. *Kipps*, to be inrolled, I have heard them; and *Hains*, with his Councel, who made it appear, that there had been ſeveral Patents of like nature to his, granted to ſeveral perſons ſince the 26*th* of *Henry* the 8*th*. In Anſwer whereunto the ſix Clerks ſay, that notwithſtanding the ſaid Patents, Mr. *Hains* doth not ſhew that ever any of the ſaid Patentees did inroll any Warrants for Grants, that paſs the Great

Seal; nor do any words, as I conceive in his, or any former Patents mentioned by him, extend to the inrolment of any ſuch Warrants. The Six Clerks further made it appear, that *Edward Baſely*, the late Patentee, petitioned the lat King againſt them in 1634. concerning the inrollments of His Majeſty's Deeds, which was referred to the Commiſſioners of exacted Fees; and I find in the year following, upon examination had by the Lord Keeper, *Coventry*, with the concurrent Opinion of Sir *Julius Cæſar*, Maſter of the Rolls, and Sir *John Banks*, Attorney General, it was certified under the hand of the ſaid Lord Keeper, amongſt other things, to have been the due ancient Right, held and enjoyed by the Six Clerks, to inroll all manner of Warrants for Patent Leaſes, *&c.* whereby the ſaid Patent Leaſes, *&c.* paſs the Great Seal; whereupon his late Majeſty, by his Letters Patents, bearing date the 17*th* of *June* 1635. to take away all queſtions, doubts and ambiguities that heretofore have been, or hereafter may be raiſed concerning the ſame; and to the end the Six Clerks, and their Succeſſors for ever after, might inviolably hold the ſame, did allow, approve, grant, ratifie and confirm the ſame.

Six Clerks to inroll all Warrants for Patent Leaſes, *&c.* whereby the Patent Leaſes, *&c.* paſs the Great Seal.

ſame. And it was therein declared to be His Majeſty's pleaſure, that the ſaid Warrants ſhall be delivered from time to time by him or them, in whoſe cuſtody they ſhall remain, to the Six Clerk, who ſhall be riding Clerk for the time being, to the end the ſaid Warrants might be inrolled: His Majeſty, further, by the ſaid Patent, ſtraightly charging and commanding, that no other perſon or perſons whatſoever ſhould from thenceforth encroach or uſurp upon them therein, or moleſt or diſturb them touching the ſame. And the Six Clerks accordingly have ever ſince inrolled the ſaid Warrants; and before, and ever ſince have received the Fees due for the ſame. All which I humbly ſubmit to your Lordſhips grave conſideration; as by the ſaid Report, remaining filed with the Regiſter of this Court appeareth.

Har. Grimſtone.

And his Lordſhip having peruſed the ſaid Report, doth declare his Concurrence in Opinion with the Maſter of the Rolls, and doth therefore order and appoint the ſaid Mr. *Kipps* to deliver out the ſaid Warrants to be inrolled, as by the ſaid Petition is deſired.

Master of the Rolls, *Sir.* Tho. Eſhcott, *Sir.* Mondeford Bramſtone.

Lunæ 25 die Januarii, Anno Regni *Caroli* II. Regis, 15. 1663.

Ordo Curiæ. *Concerning Subpœna's.*

FOraſmuch as this Court was this day informed by His Majeſty's Attorney General, that one *John Hungerford* hath forged, made and counterfeited *Subpœna's*, and that he hath put Seals thereon, like unto thoſe ſealed with the Great Seal, as by two ſeveral Affidavits, now produced and read in Court appeared. And further informing, that one *Theophilus Aylmer* had lately beſpoke, paid 18 s. for, and had from the ſaid *Hungerford* one forged and counterfeit *Subpœna* for 51 l. 13 s. 4 d. Coſts in a Cauſe depending in this Court between *Sharp* and *Brooks*; which coming to be examined before the Maſter of the Rolls, he committed the ſaid *Hungerford* and *Aylmer* for ſuch miſdemeanour, contempt and abuſe of this Court, unto the Priſon of the Fleet, who are ſtill in Cuſtody. It was therefore prayed, that the ſaid *Hungerford* and *Aylmer* may be puniſhed,

Puniſhment of thoſe that forge *Subpœna's*.

niſhed, and made exemplary for ſuch their Miſdemeanour, Abuſe and Contempt of this Court, and his Majeſty's great Seal. Whereupon it is ordered, that the ſaid *Hungerford* and *Aylmer* be brought into this Court, when the Right Honourable the Lord High Chancellor of *England* doth ſit in Court; and in the mean time the Regiſter is to ſearch Preſidents of what hath been done by the Court in puniſhing Offences of like nature.

Mercurii 18 die Julii Anno Regni *Caroli* II. Regis 18. 1666.

Touching the Buſineſs of the Court divided according to the Letters of the Alphabet. *Ordo Curiæ.*

THe Right Honourable *Edward*, Earl of *Clarendon*, Lord High Chancellor of *England*, and the Honourable Sir *Harbottle Grimſtone* Baronet, Maſter of the Rolls, taking into their Conſideration the manifold diſorders, and undue practices which in the late times have crept into the Six Clerks Office, to the great diſhonour of

of this Court, the obſtruction of Juſtice, the damage of the Client, and confuſion and loſs of the Records, and the ſeveral ways of redreſſing the ſame. And having divers times heard the Six Clerks and their Under-Clerks concerning the ſettlement by diviſion of Letters, formerly (to this end) ordered by the Lord *Coventry*, late Lord Keeper of the Great Seal, and after long deliberation, and ſeveral conferences with ſome of the Reverend Judges, and of the King's learned Councel finding no expedient ſo equal and effectual for the due filing and eaſie ſearch of the Records, and the orderly proceedings, and quiet diſpatch in all Cauſes, nor ſo proper to prevent the miſlaying and the imbezling the Records, and that confuſion which is every day diſcovered from thence, to the extream ſcandal of the Court, and prejudice of the Subject, as the reviving and re-eſtabliſhing the aforeſaid ſettlement: Do hereby Order and Ordain, that the ſaid method be revived and from henceforth obſerved by the preſent Six Clerks and their Succeſſors, and by their Under-Clerks (*viz.*) that the receiving, filing, bundling and keeping of all Bills, Anſwers, Pleadings, and all

Receiving, filing, bundling of Bills, Anſwers, &c. and the making all Exemplifications, Writs and Copies thereof to be divided amongſt the Six Clerks, according to the Letters of the Alphabet. *Vide in fra Feb.* 1. 1668. this Order Repealed.

all Proceedings thereupon, and the making and expediting of all Exemplifications, Writs and Copies, of or concerncerning the ſame, be divided among the ſaid Six Clerks and their Succeſſors reſpectively, by and according to the Letters of the Alphabet in manner following, that is to ſay, that all Bills, Anſwers and other Pleadings of Clients in Cauſes wherein the Plaintiffs, or firſt Plaintiffs Sirname ſhall begin with *A. B. C. D. F.* or *Y.* and all Proceedings thereupon in the ſaid Six Clerks Offices be from henceforth received, filed, bundled and kept by Mr. *Pyndar*, and Mr. *Bluck*, or one of them, and their Succeſſors in their Offices reſpectively, and by no other. And all Bills, Anſwers and other Pleadings of Clients in Cauſes wherein the Plaintiffs, or firſt Plaintiffs Sirname ſhall begin with *E. G. H. J. K. L. M. N.* or *O.* and all Proceedings thereupon in the ſaid Six Clerks Offices be from henceforth received, filed, bundled and kept by Sir *Cyrill Wych* and Mr. *Wilkinſon*, or one of them, and their Succeſſors in their Offices reſpectively, and by no other. And all Bills, Anſwers and other Pleadings of Clients, in Cauſes wherein the Plaintiffs, or firſt Plaintiffs Sirname

ſhall

ſhall begin with *P. Q. R. S. T. V. W. X* or *L.* and all other proceedings thereupon in the ſaid Six Clerks Offices be from henceforth received, filed, Bundled and kept by Sir *John Marſham* and Mr. *Longville*, or one of them, and their Succeſſors reſpectively, and by no other, in manner as formerly hath been done by the Six Clerks. And that all Croſs Bills, Bills of Reviver, and Bills of Review, and all proceedings thereupon be revived, filed, bundled and kept in the ſame Diviſion of Letters where the former Suit touching the ſame matter began, and not elſewhere; and all Exemplifications, Writs and Copies, of or concerning the ſame Bills, Anſwers, Pleadings and Proceedings thereupon, be made and expedited by them to whom the reviving, filing, bundling and keeping of the Records doth belong, according to the allotments of Letters aforeſaid, and by no other. And it is further ordered and ordained, That if at any time hereafter there ſhall happen any difference to ariſe betwixt any of the Six Clerks touching any of their Under-Clerks, or touching their Clients or their Cauſes, or touching the filing of any Bill, Anſwer or Pleading, or other thing accord-

cording to the diviſion of Letters aforeſaid, or any other matters of their Offices, that then the ſaid differences be from time to time examined by the reſt of the Six Clerks for the time being, whom ſuch difference (for the preſent) ſhall not concern, who are to decide and determine the ſame, or otherwiſe to certifie the true ſtate of the Fact, with their Opinion to the Maſter of the Rolls. And becauſe it is very manifeſt that theſe miſdemeanours and enormities are gotten into the Office of the Six Clerks by the liberty and licenſe which the inferiour Clerks have of late aſſumed to themſelves, and by their withdrawing their Obedience from, and their dependence upon the Maſters of the ſeveral Offices in which they write, and by receiving too many Clerks of little or no experience into the ſeveral Offices. It is likewiſe further ordered and ordained, that every of the Six Clerks ſhall be limited and ſtinted to twelve Clerks at the moſt, to ſerve immediately under him, whereof ſix at the leaſt ſhall be expert in writing the Chancery Letter, and every of thoſe twelve ſhall take a Corporal Oath before the Maſter of the Rolls not to imbezil, falſifie, corrupt, raze

Every Six Clerk to be ſtinted to 12 Under-Clerks.

or

or deface any Bills, Anſwers, Pleadings, Commiſſions, Depoſitions, Warrants, Decrees, Diſmiſſions or other Records whatſoever belonging to the High Court of Chancery, and to deliver forthwith unto the Six Clerks reſpectively, or his Deputy, unopened, all Commiſſions and Depoſitions that ſhall come to their hands, to be kept ſafely and ſecretly by the Six Clerk till publication; and after being copied, forthwith to return them.

Orders

Orders heretofore uſed in *Chancery*: With ſuch Alteration and Additions as the Right Honourable *Edward* Earl of *Clarendon*, Lord High Chancellor of *England*, with the Aſſiſtance of the Honourable Sir *Harbottle Grimſton*, Baronet, Maſter of the Rolls, have thought fit to Ordain.

Bills.

THat no Counſellor do put his Hand to any Bill, Anſwer or other Pleading, unleſs it be drawn, or at leaſt peruſed by himſelf in the Paper-draught before it be Ingroſſed (which they ſhall do well for their own diſcharge, to ſign alſo after peruſal) and Counſel are to take care that the ſame be not ſtuffed with the repetition of Deeds, Writings or Records *in hæc verba*; but the effect and ſubſtance of ſo much of them only as is pertinent and material to be ſet down, and that in brief terms, without long and needleſs traverſes of points not traverſable, tautologies, multiplication of words, or other impertinencies, occaſioning needleſs prolixity, to the end the ancient brevity and ſuccinctneſs in Bills and other

How Counſellors are to demean themſelves in drawing Bills.

other Pleadings may be reſtored and obſerved; much leſs may any Counſel inſert therein matter meerly criminal or ſcandalous, under penalty of good Coſts to be laid on ſuch Counſel, to be paid to the party grieved, before ſuch Counſel be heard in Court.

Bill ſcandalous.

If there be matter ſcandalous in a Bill, a Maſter of Chancery is to expunge it, and to tax Coſts for the Party ſcandalized; but if on ſuch reference the Maſter Reports the Bill not ſcandalous, the Party procuring ſuch reference ſhall pay Coſts to the Plaintiff for ſuch his reference.

Bills to be dated the ſame day they are brought into the Office.

That all Bills be dated the ſame day they are brought into the Six Clerks Office, and that no Six Clerk preſume to antidate any Bill, and that no Under-Clerk preſume to keep any Bill by him, but with the firſt opportunity deliver the ſame to the Six Clerk or his allowed Deputy, in his abſence to be accordingly filed.

No Bill, Anſwer, or other Pleading ſhall be ſaid to be of Record, or to be of any effect in Court, until the ſame be filed with ſuch of the Six Clerks with whom it ought properly to remain.

Subpœna's

Subpœna's.

THat all Plaintiffs may have liberty to take forth *Subpœna's ad reſpondendum*, before the filing of their Bills, if they pleaſe, notwithſtanding any late Order or Uſage to the contrary.

How every *Subpœna* is to be ſerved.

That every *Subpœna* to Anſwer, Revive, Review, Rejoyn, to Teſtifie or to hear Judgment, ſhall be ſerved perſonally, or left at the Defendants dwelling-Houſe, or place of Reſidence, with one of the Family. And no Clerk of this Court ſhall iſſue any Attachment for not appearing, but upon *Affidavit* firſt made, poſitive and certain of the day and place of ſuch Service of the *Subpœna*, and the time of the Return thereof, whereby it ſhall appear that ſuch Service was made, if in *London*, or within twenty miles thereof four days at the leaſt, excluding the day of ſuch Service: and if above twenty miles, then to have been eight days before ſuch Attachment entred; and that ſuch Attachment ſhall not be diſcharged, but upon payment of uſual Coſts, and ſo the ſucceeding Coſts to be double.

Affidavit to be made of the Service.

Attachment for not appearing.

'Note

How a *Subpœna* to hear Judgment ought to be ſerved.

'Note, That a *Subpœna* for to hear 'Judgment is to be ſerved perſonally, 'or to be left at the Houſe of the Party 'with one of the Family, ſave that you 'are to give fourteen days notice exclu-'ſive before the time to hear Judgment; 'but if it be in the ſhort Vacation be-'tween *Eaſter* and *Trinity* Term, you 'are to give but ten days notice, becauſe 'of the ſhortneſs of the Vacation.

How a *Subpœna* for Coſts to be ſerved.

'Now there is alſo a *Subapna* for 'Coſts, not mentioned amongſt the '*Subpœna's* in the general Rule, which 'is alſo to be perſonally ſerved becauſe 'of demanding of the Coſts thereby 'required, and you cannot ſerve it other-'wiſe unleſs you have the Order of the 'Court on an *Affidavit* that you can-'not find the perſon to ſerve him per-'ſonally to leave it with the Clerk in 'Court, or otherwiſe, as the Court on 'a Motion or Petition ſhall direct, and 'that deemed good if perſonally ſer-'ved.

How to ſerve a *Subpœna* rightly.

'Now becauſe there is ſo frequent 'Miſtakes made to the great prejudice 'of the Plaintiff, in ſerving of *Sub-'pœna's*, it is not amiſs if you under-'ſtand how to ſerve it rightly; Now 'if the *Subpœna* be againſt only one 'then you may leave the Body at ſuch 'perſons place of aboad, or ſerve him

'with

'with the Label if you meet him perſo-
'nally; but if one or two more are in
'the *Subpœna*, two are to be ſerved
'perſonally, and the Body under Seal
'ſhewed to them at the time of ſuch
'ſervice, and the Body may be ſerved
'perſonally or left at the Houſe, as
'you pleaſe, of the other perſon.

Pleas and Demurrers.

FOraſmuch as the Defendant being ſerved with Proceſs to anſwer, may by advice of Counſel upon ſight of the Bill only be enabled to demur thereunto, if there be Cauſe, or may by like advice be enabled to put in any juſt Plea which he hath in diſability of the perſon of the Plaintiff, or to the Juriſdiction of the Court: It is therefore ordered, that ſuch Demurrer or ſuch Plea in diſability, or to the Juriſdiction of the Court, under the Hand of Counſel learned, ſhall be received and filed, although the Defendant do not deliver the ſame in perſon, or by Commiſſion. And therefore if the Defendant ſhall pray a Commiſſion, and thereby return a Demurrer only, or only ſuch a Plea which ſhall be afterwards over-ruled, the Defendant ſhall pay five Marks Coſts: And although it be allowed, the

Demurrer or Plea in diſability, or to the Juriſdiction of the Court.

the Defendant ſhall have no Coſts in reſpect of the Plaintiffs needleſs trouble occaſioned by ſuch Commiſſion.

Every Demurrer to expreſs the Cauſes of Demurrer.

Every Demurrer ſhall expreſs the ſeveral Cauſes of Demurrer, and ſhall be determined in open Court. And ſuch Pleas alſo as are grounded upon the Subſtance and Body of the Matter, or extend to the Juriſdiction of the Court, ſhall be determined in open Court; and for that purpoſe the Defendant is to enter the ſame with the Regiſter within eight days after the filing thereof; or in default of ſuch Entry made, the ſame ſhall be diſallowed of courſe, as put in for delay. And the Plaintiff may then take out Proceſs to enforce the Defendant to make a better Anſwer, and pay 40 *s.* Coſts; and the ſame ſhall not afterwards be admitted to be ſet down or debated, unleſs upon Motion it ſhall be ordered by the Court: And if any Cauſe of Demurrer ſhall ariſe and be inſiſted on at the debate of the Demurrer (more than is particularly alledged) yet the Defendant ſhall pay the ordinary Coſts of overruling a Demurrer (which is hereby ordered to be five Marks Coſts) if thoſe Cauſes which are particularly alledged be diſallowed: Although the Bill, in reſpect of that particular ſo newly

To be entred with the Regiſter within 8 days of the filing.

Cauſe of Demurrer which is ſufficient to diſmiſs the Bill which was not particularly alledged.

newly alledged, ſhall be diſmiſſed by the Court.

A Plea of Outlawry, if it be in any Suit for that duty, touching which Relief is ſought by the Bill, is inſufficient according to the Rule of Law, and ſhall be diſallowed of courſe, as put in for delay: And the Plaintiff may notwithſtanding ſuch Plea, take out Proceſs to enforce the Defendant to make a better Anſwer, and pay five Marks Coſts; otherwiſe a Plea of Outlawry is always a good Plea, ſo long as the Outlawry remaineth in force: And therefore the Defendant ſhall not be put to ſet it down with the Regiſter. And after the ſaid Outlawry reverſed, the Defendant upon a new *Subpœna* ſerved on him, and payment unto him of 20 *s.* Coſts, ſhall anſwer the ſame Bill, as if ſuch Outlawry had not been: But if the Plaintiff conceive ſuch Plea of Outlawry throrough Miſpleading, or otherwiſe to be inſufficient, he may, upon notice given to the Clerk on the other ſide, ſet it down with the Regiſter, to be debated with the reſt of the Pleas and Demurrers in courſe: But if the Plaintiff ſhall not in ſuch caſe enter it with the Regiſter within eight days after the ſame ſhall be filed, the Defendant may take out Proceſs againſt the Plaintiff

Plea of Outlawry when good or not.

tiff for his ordinary Coſts of five Marks, as if the ſame had been heard.

Plea, depending of a former Suit for the ſame matter.

The dependency of a former Suit for the ſame Matter, is alſo a good Plea, and therefore the Defendant ſhall not be put to ſet it down with the Regiſter: But if the Plaintiff be not ſatisfied therewith, the ſame ſhall be referred to one of the Maſters of the Court to certifie the truth thereof, and if it ſhall be determined againſt the Plaintiff, he ſhall pay five pounds Coſts to the Defendant. But if ſuch Reference ſhall be procured by the Plaintiff, and if a Report thereupon within one Month after the filing of ſuch Plea, then the Bill to ſtand diſmiſt of courſe, with the ordinary Coſts of ſeven Nobles.

If after a Suit commenced at the Common Law, or any other inferiour Court, a Bill ſhall be exhibited in this Court to be relieved for the ſame Matter, the dependency of the former Suit ſhall be admitted as a good Plea, and the Defendant not to be put to motions for an Election or Diſmiſſion, and that Plea ſhall be proceeded in, as in caſe of a Plea of a former Suit depending in this Court for the ſame Matter.

After

After a Contempt duly prosecuted to an Attachment with Proclamation returned, no Commission to answer shall be made, nor no Plea or Demurrer admitted, but upon Motion in Court, and *Affidavit* made of the Parties Inability to travel, or other good Matter, to satisfie the Court touching that delay.

After Attachment with Proclamation returned, no Commission to answer shall be made, nor no Plea ordered, but upon Motion.

Answers.

After a Commission once obtained to answer, no second Commission shall be granted without special Order of Court, upon good reason shewed to induce the same, or the Plaintiffs own assent.

No Second Commission to answer, without special Order.

An Answer to a Matter charged as a Defendants own Fact, must regularly be without saying, *To his remembrance*, or *As he believeth*, if it be laid to be done within seven years before, unless the Court upon Exception taken shall find special Cause to dispense with so positive an Answer: And if the Defendant deny the Fact, he must traverse or deny it (as the Cause requires) directly, and not by way of negative pregnant. As if he be charged with a Receipt of a Sum of Mony, he must deny or traverse that he hath not received that Sum, or any part thereof, or else set forth what part he hath received.

Answer, how to be drawn.

ceived. And if a Fact be laid to be done with divers circumſtances, the Defendant muſt not deny or traverſe it literally, as it is laid in the Bill, but muſt anſwer the point of Subſtance poſitively and certainly.

When the Defendants have anſwered, the Plaintiffs and their Councel are ſeriouſly to adviſe of the Anſwers, and if they find that upon the Anſwer alone without farther proof, there be ſufficient ground for a final Order or Decree, to proceed upon Anſwer without farther lengthning of the Cauſe. Or if it be needful to prove one or a few particular points, to reply unto thoſe points, and not to draw into Pleadings or Proofs anymore than thoſe neceſſary points, thereby making long Books, and putting both ſides to unneceſſary Charges, the Defaulters herein to be puniſhed by paying the Charge of the Copies, or otherwiſe, as Cauſe ſhall require.

Of hearing upon Bill and Anſwer.

If a Hearing be prayed upon Bill and Anſwer, the Anſwer muſt be admitted to be true in all points, and no other Evidence to be admitted unleſs it be Matter of Record, to which the Anſwer refers, and is proveable by the Record: The Plaintiff is therefore to be well adviſed, that the Court be not put to unneceſſary trouble, and him-

himself to a certain Charge, in bringing his Cause to hearing, which will not bear a Decree.

Exceptions.

Exceptions to an Answer how to be drawn, and when to be filed.

WHen a Plaintiff excepteth to a Defendants Answer, he shall set down his Exceptions in writing; and if the Answer be filed in Term-time, he shall the same Term, or within eight days after that Term, deliver the same Exceptions to the Councel, whose hand is to the Answer, or to the Defendants Clerk in Court: And if the Defendant do within eight days after such delivery, satisfie the Plaintiff of the invalidity of those Exceptions, or amend the Answer in the same time, or agree with the Plaintiff or his Clerk, or Solicitor, to amend it accordingly, and pay 20 *s.* Costs, the Plaintiff shall go on to reply: But if the Defendant shall fail to do the same, or put in a second insufficient Answer, the Plaintiff may get the Answer or Answers referred: And if the same shall be ruled insufficient, the Defendant shall pay 40 *s.* Costs. But if an Answer be filed in Vacation time, then the Plaintiff shall have eight days in the beginning of the next Term, if he see cause

20 *s.* cost for amending.

to put in his Exceptions, and deliver them in writing in like manner, as before is appointed; and the Defendant within eight days after such delivery to proceed as is before ordered.

If the Plaintiff shall procure a Reference of an insufficient Answer within the time before limited, and the same be reported good, the Plaintiff shall pay the Defendant 40 *s.* Costs.

If the first Answer be certified insufficient, Defendant to pay 40 *s.* Costs.

If the first Answer be certified insufficient, and ruled so, the Defendant shall pay 40 *s.* Costs, as aforesaid, if the Answer was put in person; but if the same came in by Commission, the Defendant shall have 50 *s.* Costs, and no new Commission shall be awarded for taking a second Answer, unless it be by Order, upon *Affidavit* made of the Party's inability to travel, or other good matter, to satisfie the Court touching that delay, and first paying the Costs of such insufficient Answer, or by the Plaintiff, or his Clerks assent for expediting the Cause. If the second Answer be reported insufficient unto any the points formerly certified, the Defendant shall pay three pounds Costs: And upon the third insufficient, four pounds Costs: And upon a fourth Answer certified insufficient, he shall pay five pounds Costs, and be examined upon

Second Answer.

4*l.* Cost to pay If the second Answer be reported insufficient. 4*l.* upon the third: upon the fourth 5*l.* and be examined upon Interrogatories.

upon Interrogatories to the points reported insufficient, and shall be committed, until he hath perfectly answered those Interrogatories, and paid the Costs, in respect of the great vexation and delay which in such Cases will happen to the Plaintiff.

No *Subpœna ad rejungendum* shall be of force, unless there be a Replication filed in the Cause, according to the course of the Court, before the issuing out of the said *Subpœna*, or at least before the Return thereof: And the Parties upon whom such *Subpœna* shall be served, finding no Replication filed before the Return thereof; shall have the ordinary Costs taxed, according to the course of the Court. *Subpœna ad rejungendum.*

Examination of Witnesses.

WHen the Parties are at Issue, and proceed to examin Witnesses, the Interrogatories are to be penned with care, that the same be pertinent, and only to the points necessary, and the Witnesses are to be sorted and examined on those Interrogatories only that their Testimony doth extend unto, without the needless Interrogatories of Matters unnecessary or immaterial, as well to avoid the Charge of both Par-

ties, Plaintiff and Defendant, in ſuperfluous Examinations, as the apt Interrogatories (which are the Life of the Cauſe) may be exhibited.

Witneſſes how to be examined in Court by the Examiner.

No Witneſs ſhall be examined in Court by the Examiner, without the privity of the adverſe Party, or of his Clerk who deals for the adverſe Party, to whom the perſon to be examined ſhall be ſhewed, and a Note of his Name or place of dwelling delivered in writing, by ſuch as ſhall produce him; and the Examiner is to take care, and be well ſatisfied that ſuch notice be given, and then ſhall add to the Title of the Witneſſes Examination the time of ſuch notice given, and the Name of that perſon to whom it is given and by whom, that at the hearing of the Cauſe the Suitor be not delayed, upon pretence of want of notice.

No new Interrogatories put to examine the ſame Witneſſes. Witneſſes to be examined in Court after the day of publication.

When Witneſſes are examined in Court upon a Schedule of Interrogatories, there ſhall be no new Interrogatories put in to examine the ſame Witneſſes; nor ſhall any Witneſſes be examined in Court after the day of Publication, though they were ſworn before, ſo as a Copy of the Rule or Order whereby Publication paſſed, be delivered to the Examiner, that he may take notice thereof.

That

That all Copies of Bills, Anſwers, Depoſitions, or other Record, or thing whatſoever belonging to the Six Clerk to copy, ſhall contain fifteen Lines at the leaſt in every Sheet of Paper, written fairly, and orderly, and unwaſtefully: And that no ſuch Copy ſhall be henceforth delivered out of the Office, before it be ſigned by ſuch Six Clerk to whom it belongeth, with his own proper Hand-writing, or by his Deputy in his abſence. How many Lines in a Sheet Copies to contain.

Nor any Copy not ſo ſigned, ſhall be made uſe of in Court, or before any Maſter, which all Clients are to take notice of, to the end they may be prepared with ſuch Copies at the hearing of their Cauſes. Copies to be ſigned by the Six Clerk.

And whereas many Inconveniencies do frequently ariſe by undue copying Bills, Anſwers and other Pleadings, before they be filed; ſo as they are neither filed, or very irregulary, to the prejudice of the Client, and trouble to the Court, by unneceſſary Motions: It is therefore ordered, That no Under-Clerk, or his Man, or other from him, do from henceforth preſume to copy any Bill, or other Pleading whatſoever, before it be duly filed with the proper Six Clerk, who ought to file the ſame. No Copy to be made till the Originals be filed.

How a Witneſs to be examined.

For preventing of Perjury, and other Miſchiefs often appearing to the Court, the Examiner is to examine the Deponent to the Interrogatories directed *ſeriatim*, and not permit him to read over, or hear read any other Interrogatories, until that in hand be fully finiſhed; much leſs is he to ſuffer the Deponent to have the Interrogatories, and pen his own Depoſitions, or depart after he hath heard an Interrogatory read over, until he hath perfected his Examination thereunto.

And if any Witneſs ſhall refuſe ſo to conform himſelf, the Examiner is thereof to give notice to the Clerk of the other ſide, and to proceed no farther in his Examination, without the Conſent of the ſaid Clerk, or Order made in Court to warrant his ſo doing.

The Examiner not to examin any Witneſs to invalidate the Credit of another Witneſs.

The Examiner ſhall not examine any Witneſſes, to invalid the Credit of any other Witneſs, but by ſpecial Order of the Court, which is ſparingly to be granted, and upon Exceptions filed with the Examiner without Fee, and notice thereof given to the adverſe Party or his Clerk, together with a true Copy of the ſaid Exceptions at the Charge of the Party ſo examining.

The

The Examiners (in whom the Court repoſeth much Confidence) are themſelves in perſon to be diligent in Examination of Witneſſes, and not intruſt the ſame to mean and inferiour Clerks; and are to take care to hold the Witneſs to the point interrogated, and not to run into Extravagancies, and Matters not pertinent to the Queſtion, thereby waſting Paper for their own Profit, of which the Court will expect a ſtrict Account.

The Examiners are to take care that they employ under them in their Office, none but perſons of known Integrity and Ability, who ſhall take an Oath, Not to deliver or make known, directly or indirectly, to the adverſe Party, or any other, ſave the Deponent, who comes to be examined in any of the Interrogatories delivered, to be examined upon any Examination by him taken, or remaining in the Examiners Office an Extract, Copy or Breviate thereof, before Publication be thereof paſſed, and the Copies thereof taken. And if any ſuch Deputy, Clerk, or perſon ſo employed, ſhall be found faulty in the Premiſſes, he ſhall be expulſed the Office; and the Examiner who ſo employed him, ſhall be alſo anſwerable to the Court for ſuch Miſdemeanor,

and to the Party grieved, for his Coſts and Damages ſuſtained thereby: And ſuch Solicitor or other perſon, who ſhall be diſcovered to have had a hand therein, ſhall be liable to ſuch cenſure for the Offence, as the Court ſhall find juſt to inflict upon him.

In examining of Witneſſes, the Examiner ſhall not uſe any idle Repetitions, or needleſs Circumſtances, nor ſet down any Anſwer to the Queſtion, to which the Examinant cannot depoſe, other than thus; *To ſuch an Interrogatory this Examinant cannot depoſe.* And in caſe ſuch impertinencies be obſerved by the Court, the Examiner is to recompence the Charge thereof to the party grieved, as the Court ſhall award.

After Witneſſes examined in Court, there ſhall be two Rules only given for publication, and upon the return of a Commiſſion, one Rule only.

That after Witneſſes examined in Court, there ſhall be two Rules only given for Publication, *viz.* an ordinary Rule, and then a day to ſhew Cauſe why Publication ſhould not paſs, and upon the Return of a Commiſſion, one Rule only to be given, within which times aforeſaid, if the other ſide do not ſhew unto the Court good Cauſe unto the contrary, Publication ſhall paſs accordingly.

All

All Pleadings, Commiſſions, Certificates, belonging to the Six Clerks to receive, ſhall immediately, upon the bringing in or return thereof into this Court, be delivered to ſuch Six Clerks own Hands, as ſhall be Attorney in the Cauſe, or to the Hands of his Deputy in his abſence; and not to be from henceforth in any wiſe kept back, nor any Depoſitions or Anſwers taken by Commiſſion, or other Commiſſion to be opened by any of their Under-Clerks, before they be ſo delivered.

All Pleadings, &c. to be delivered into the Six Clerks own hands or his Deputy.

No Bills, Warrants, Pleadings, Commiſſions, Decrees, Diſmiſſions, or other Records whatſoever, ſhall from henceforth be carried to be ingroſſed, inrolled, copied, or otherwiſe uſed by any of the Under-Clerks to their Chambers, or elſewhere out of the Six Clerks Office, or Lodgings there; and ſo ſoon as any Clerk ſhall have ingroſſed, inrolled, copied, or uſed any ſuch Warrant, Pleading, Commiſſion, Decree or other Record in the ſaid Office, he ſhall bring the Original thereof preſently back to ſuch Six Clerk to whom the Cuſtody thereof doth belong, for the more ſafe keeping and diſpoſing thereof according to the ancient uſage.

No Bills, &c. to be carried to be ingroſſed, inrolled, copied by the Under-Clerks to their Chambers.

Com-

Commissions.

He who hath the carrying of the Commission (if nothing be done in it) shall bear all the Charges.

WHen a Commission is awarded to examine Witnesses, if by default of him that hath the carriage of the Commission, or by his Commissioners nothing is done, he shall bear all the Charges that the other side was put unto about that Commission, either for Fees of Court, bringing or entertaining Commissioners or Witnesses, or otherwise, to be ascertained by the Oath of the Party, or of him that disbursed the Mony for him, and shall renew the Commission at his own Charges.

If the other side examines no Witnesses, but prays a new Commission, he shall bear all Charges.

When a Commission is awarded to examin Witnesses, and the one side produceth and examineth all his Witnesses, and the other side doth not, but prays a new Commission; if it be granted he shall bear all the Charges of the renewed Commission, both in Court and in the Country, as well for the Charge and Entertainment of his own Commissioners, as of the Commissioners on the other side, and the other side shall be permitted to cross-examin the Witnesses produced by him that reneweth the Commission; but if he will examin any other Witnesses of his own, then he shall bear his own part of the Charge;

Charge; the Charges herein mentioned to be ascertained by the Oath of the Party, or of him that disbursed the Mony for him.

He at whose instance a Commission to examin Witnesses after a former Commission executed and returned, is once renewed, and he by whose default, or by default of his Commissioners, a former Commission was not executed, and thereupon it is renewed, shall at his peril examin all his Witnesses by that renewed Commission, or examin them in Court by the end of the Term, wherein that renewed Commission is returnable without any more or farther delay.

Upon a renewed Commission all the Witnesses are to be examined.

That no Commission *ad examinandum Testes* be executed in *London*, or within ten miles thereof, without special Order first obtained upon *Affidavit* made of the Parties Inability to travel, or other good Matter. And that all Depositions taken by Commission in *London*, or within ten miles thereof, without special Order as aforesaid, shall stand superseded and suppressed *ipso facto*, and not allowed to be read as Evidence at the hearing of the Cause. And the Parties who shall cause the same to be executed, shall suffer such punishment for their Contempt and Irregularity, as the Court shall think fit.

No Commission *ad examinand'* in *London*, or within 10 miles.

Dr-

Depoſitions.

Order to uſe Depoſitions taken in another Cauſe.

WHere either the Party Plaintiff or Defendant, obtaineth an Order to uſe Depoſitions of Witneſſes taken in another Cauſe, the adverſe Party may likewiſe uſe the ſame without Motion, unleſs he be, upon ſpecial reaſon ſhewed to the Court by that Party firſt deſiring the ſame, inhibited by the ſame Order ſo to do.

How and when Motion or Petition ſhall be for ſuppreſſing of Depoſitions.

No Motion ſhall be made in Court, or by Petition for ſuppreſſing of Depoſitions as irregularly taken, until the Six Clerks, not towards the Cauſe, have been firſt attended with the Complaint of the Party grieved, and certifie the true ſtate of the Fact to the Court, with their Opinion: If the Attornies or Clerks on either ſide, ſhall not for the caſe of their Clients agree before them; for which purpoſe a Rule for Attendance of the Six Clerk in ſuch Caſe ſhall be entred of courſe with the Regiſter at the deſire of the Party complaining, which ſhall warrant their Proceedings, and Certificate to the Court.

Cauſes

Cauſes to be ſet down for hearing.

THe Six Clerks, who are the only Attornies in this Court, ought to inform themſelves continually of the State and Proceedings of their Clients Cauſes, and to give Account to the Clerk as the Attornies in all other Courts do, and not to leave the Care and Knowledge thereof upon their Under-Clerks, who attend not in Court, and the Clients and ſuch as follow their Cauſes, are to acquaint their Attornies for that purpoſe.

How and when Cauſes are to be ſet down for hearing.

Such as deſire to have their Cauſes ſet down for hearing, muſt repair to the Six Clerk that is Attorney in the Cauſe, at leaſt ſix days before the end of the Term, that the Six Clerk may inform himſelf of the ſtate of the Cauſe, of the long or ſhort dependance thereof in Court, of the Antiquity of the Publication, of the weight or value of the Cauſe, and all other circumſtances material to inform the Lord Chancellor, Lord Keeper, or Maſter of the Rolls, at the time of the ſetting down of Cauſes, and the Six Clerk may not refuſe to offer the ſame to be ſet down, if he be attended in ſuch time as aforeſaid, nor come unprepared to inform the

the Lord Chancellor, Lord Keeper, or the Maſter of the Rolls, of the Nature and Circumſtance of the Cauſe aforeſaid.

To be ſet down without Fee.

And neither he nor any of his Under-Clerks, nor any of the Regiſters, are to take any Fee, Gratuity or Reward for the ſame.

No Mony, or other Reward, ſhall in any wiſe be exacted, or taken directly by any of the Six Clerks, or any of the Regiſters for, or in their behalf, for the preferring and ſetting down of any Cauſe for hearing; but only ſuch Fees as are behind, and unpaid of their Termly Fees and Duties, (if any be) and if any Cauſe happen to be ſet down for hearing, wherein they ſhall not have been ſatisfied their due Fees and Duties, they may alledge the ſame in ſtay of hearing of the Cauſe.

Proceedings in hearing Cauſes.

At the hearing, if no Counſel appear for the Defendant, his Anſwer ſhall be read, and to proceed afterwards.

WHere no Councel appears for the Defendant at the hearing, and Proceſs appear to have been duly ſerved, the Anſwer of ſuch Defendant ſhall be read; and if the Court upon ſuch hearing ſhall find Cauſe to decree for the Plaintiff, yet a day ſhall regularly be given to the Defendant to ſhew Cauſe againſt the ſame; but before he

he be admitted thereunto, he ſhall pay down to the Plaintiff, or his Attorney in Court, ſuch Coſts as the Court upon that hearing ſhall aſſeſs, and the Order is to be penned by the Regiſter accordingly (*viz.*) *It is decreed ſo and ſo*, &c. Unleſs the Defendant ſhall by ſuch a day pay to the Plaintiff, or his Attorney in Court, Coſts, and ſhew good Cauſe to the contrary; and ſuch Defendant upon his ſhewing Cauſe, ſhall firſt produce a Certificate from the Plaintiffs Attorney in Court, that he hath paid the Coſts, or *Affidavit* of Tender or Refuſal thereof.

Contempts.

All Proceſs of Contempt to be made into the County where the Party is reſident.

ALl Proceſs of Contempt ſhall be made out into the County where the Party proſecuted is reſident, unleſs he ſhall be then in, or about *London*, in which Caſe it may be made in the County where the Party then is. And if any perſon ſhall be taken upon Proceſs otherwiſe, or irregularly iſſued, the Party ſo taken firſt appearing unto, and ſatisfying the Proceſs which did regularly iſſue againſt him, ſhall be diſcharged of his Contempt, and have his full Coſts to be taxed of courſe by the Six Clerk not towards the Cauſe, for ſuch undue

or irregular Profecution from the time that the Error firſt grew, without Motion or other Order.

Each Proceſs to be duly ſerved.

Every Suitor who proſecuteh a Contempt, ſhall do his beſt endeavour to procure each ſeveral Proceſs to be duly ſerved, and executed upon the Party proſecuted; and his wilful default therein appearing to the Court, ſuch perſon offending ſhall pay unto the Party grieved good Coſts, and loſe the benefit of the Proceſs returned without ſuch Endeavour.

Upon Motion or Petition, all Attachments in Proceſs ſhall be diſcharged upon the Defendants payment of Coſts, and filing his Plea, &c.

All Attachments in Proceſs ſhall be diſcharged upon the Defendants payment, or tender to the Plaintiffs Clerk, and refuſal of the ordinary Coſts of the Court, and filing his Plea, Anſwer or Demurrer (as the Caſe regularly requires) but yet upon Motion in Court, or Petition in that behalf.

And if after ſuch Conformity and Payment of the Coſts, (or tender and refuſal thereof) any farther Proſecution ſhall be had of the ſaid Contempt, the Party proſecuted ſhall be diſcharged with his Coſts.

The penalty of one appearing, and after exhibiting of Interrogaties if he depart before he be examined.

If after Appearance and Interrogatories exhibited as aforeſaid, the Party appearing ſhall depart before he be examined (without leave of the Court) he is upon Motion and Certificate from the

the Regiſter, of ſuch his departing and not being examined, and of the Interrogatories exhibited from the Examiner, to ſtand committed without farther day given unto him, and is not to be diſcharged from ſuch his Contempt, until he hath been examined and cleared of his Contempt. And if he ſhall upon his Examinations, or by Proofs be found in Contempt, he ſhall clear ſuch his Contempt, and pay the Proſecutor his Coſts, before he be diſcharged of his Impriſonment. And although he be cleared of his ſaid Contempt, yet he ſhall have no Coſts, in reſpect of his Diſobedience in not being examined without the Proſecutors Trouble and Charge in moving the Court as aforeſaid.

Interrogatories how far to extend or not.

In caſe of Proſecution of a Contempt for Breach of an Order of Court, or otherwiſe grounded upon an *Affidavit*, the Interrogatories ſhall not be extended to any other Matter than what is comprehended in the ſaid *Affidavit* or Order. And if any other ſhall be exhibited, the Party examined may for that reaſon demur unto them, or refuſe to anſwer them.

When the Party proſecuted upon a Contempt, hath denied it, or the ſame doth not clearly appear by his Examinations,

nations, the Profecutor may take out a Commiſſion of courſe to prove the Contempt; and in ſuch caſe the Party profecuted may name one Commiſſioner to be preſent at the Execution of the Commiſſion, and may henceforth (notwithſtanding the former uſage to the contrary) croſs examin the Witneſſes produced againſt him to prove the Contempt; but is not to examin any Witneſſes on his part, unleſs he ſhall ſatisfie the Court touching ſome Matter of Fact neceſſary to be proved for clearing the truth. In which Caſe the Court, if there be cauſe, will give leave to him to examin Witneſſes to ſuch particular Points ſet down, and the other ſide may croſs examin ſuch Witneſſes; but the Interrogatories on both ſides are to be included in the Commiſſion.

Commiſſion to prove the Contempt.

The Interrogatories to be included in the Commiſſion.

Where a Contempt is profecuted againſt one, who by reaſon of Age, Sickneſs, or other Cauſe, is not able to travel. Or in caſe the ſame be againſt many perſons who are Servants or Workmen, that live far off, the Court will, upon Motion and *Affidavit* thereof, grant a Commiſſion to examin them in the Country; which Commiſſion ſhall be ſued out and executed at the Charge of the perſon or perſons deſiring it, directed to ſuch indifferent

different Commiſſioners, as the Proſecutors of the Contempt ſhall name (as in other Caſes) and one Commiſſioner only at the nomination of the Party proſecuted as aforeſaid. Which Commiſſion ſhall be executed at ſuch convenient time and place, as the Six Clerks not towards the Cauſe upon hearing the Clerks upon both ſides ſhall ſet down.

Upon every Examination and Proof of a Contempt referred to any of the Maſters of the Court, to certifie whether the Contempt be confeſſed, or proved, or not: The Maſter in his Certificate thereof made to the Court, ſhall likewiſe aſſeſs and certifie the Coſts to either Party as there ſhall be cauſe, without other Order or Motion made for that purpoſe.

The Maſter in his Certificate of the Contempt ſhall aſſeſs Coſts.

Commitment.

THe Court being tender of the Liberty of mens perſons, and to avoid their Impriſonment upon malicious *Affidavits*, which are often made by a mean and ignorant perſon, and which hath heretofore by the courſe of the Court drawn on a Commitment, doth order, That from henceforth, where Oath ſhall be made of Miſdemeanor in beating or abuſing the Party upon ſuing the Proceſs or Orders of the Court, the Party

The Party abuſing or beating him who ſerves the Proceſs ſhall ſtand committed upon Motion.

Party offending ſhall ſtand committed upon Motion, and no Examination is in that Caſe to be admitted.

So of contemptuous Words againſt the Court.

And when *Affidavit* ſhall be made by two perſons of ſcandalous or contemptuous Words againſt the Court, or the Proceſs thereof, the Party offending ſhall likewiſe ſtand committed upon Motion, without any farther Examination. And a ſingle *Affidavit* in ſuch caſe ſhall be ſufficient to ground an Attachment, whereupon ſuch perſon ſhall be brought in to be examined; and if the Miſdemeanor ſhall be confeſſed, or proved againſt him, he ſhall ſtand committed until he ſatisfie the Court touching his ſaid Miſdemeanor, and pay the Proſecutor his Coſts. And if he ſhall not be thereof found guilty, ſave by the Oath of the Party who made ſuch *Affidavit*, he ſhall be diſcharged, but without any Coſts, in reſpect of the Oath made againſt him as aforeſaid.

Decrees and Diſmiſſions.

THat all Decrees and Diſmiſſions pronounced upon hearing the Cauſe in this Court, be drawn up, ſigned, and inrolled before the firſt day after the next *Michaelmas* or *Eaſter* Term, after the ſame ſhall be ſo pronounced

nounced respectively, and not at any time after, without special leave of the Court.

When the Party is committed, or brought in by a Serjeant at Arms for Breach of a Decree, he is not to be enlarged until he hath performed the Decree in all things that are to be presently done, and given Security by Recognizance with Sureties, as the Court shall order to perform the other parts of the Decree (if any be to be performed) at future days and times appointed by the Decree.

A Party committed for breach of a Decree, not to be enlarged till he hath performed it, or given Security.

No Decree or Dismission shall be presented by the Register of this Court, or his Deputy, or any other, to the Lord Chancellor, Lord Keeper, or Master of the Rolls, to be signed, before it be singned by that Six Clerk to whom it belongeth, of his proper Hand writing, or by his Deputy in his absence.

Decree or Dismission to be signed by the Six Clerk before it shall be presented by the Register.

To the intent the Decrees and Dismissions of this Court may be easily found upon search, the Six Clerks are to keep a publick Book for the entring of all Decrees and Dimissions which have been made and signed by the Lord Chancellor since the 29th of *May*, 1660. and which shall be made and so signed in this Court: And to that end, the Register shall at the beginning of

The Six Clerks to keep a publick Book for the enting of Decrees and Dismissions.

of every Term deliver unto one of the Six Clerks a List of all Decrees and Dismissions signed by the Lord Chancellor, the Term and Vacation before.

No Motion shall be for the Retainer of a Bill dismissed without a Certificate that the Costs are paid.

If a Bill be regularly and justly dismissed of course, or by Order for want of Prosecution, no Motion shall be admitted for the Retainer thereof, without a Certificate from the Defendant's Attorney in Court, that the Costs of the Dismission are paid, to the end unnecessary Charge to the Parties by several Motions for one and the same Matter, may henceforth be avoided.

Masters.

How the Master is to pass Exemplifications of Depositions.

THat the Masters do not pass any Exemplifications of Depositions taken in Chancery upon a bare sight of the Copies only, without first calling the Officer or Officers, who have the Custody of the Records or Originals of such Copies, or some sworn Clerk of his, or their Office, who are to produce the same before them, to warrant their signing thereof.

The Masters not to return special Certificates to the Court, unless required by the Court.

The Masters are not upon the Importunity of Counsel (how eminent soever) or their Clients to return special Certificates to the Court, unless they are required by the

the Court ſo to do, or that their own Judgment in reſpect of difficulty leadeth them to it; ſuch kind of Certificates for the moſt part occaſioning a needleſs trouble, rather than eaſe to the Court, and certain expence to the Suitor.

How Certificates and Reports of the Maſters are to be drawn.

Their Certificates and Reports are to be drawn as ſuccinctly as may be (reſerving the Matter clearly for the Judgment of the Court) and without recital of the ſeveral points of the Orders of Reference (which do ſufficiently appear by the Orders themſelves) or the ſeveral Debates of Councel before them: unleſs that in caſe where they are doubtful, they ſhortly repreſent to the Court the reaſons which induce them ſo to be.

How the Maſter is to ſatisfie the Court touching the Defendants Anſwer.

The Maſters of the Court are to take notice, That when the Court requires to be ſatisfied from them, touching any Matter alledged to be confeſſed, or ſet forth in the Defendants Anſwer; It is intended, That without farther Order, they ſhould take conſideration of the whole Anſwer or Anſwers of the Defendants, and certifie not only whether the Matter be ſo confeſſed or ſet forth, but alſo any other Matter avoiding that Confeſſion, or ballancing the ſame, that the Court

may receive a clear and true Information.

How the Masters are to take Affidavits.

The Masters in taking *Affidavits*, and administring of Oaths, in Cases duly presented unto them, are to be circumspect and wary, that the same be reverently and knowingly given and taken, and are therefore to administer the same themselves to the party; and where they discern him rash or ignorant, to give some conscionable admonition of his duty, and be sure he understand the Matter contained in his *Affidavit*, and read the same over, or hear it read in his presence, and subscribe his Name or Mark thereunto, before the same be certified by the Master, who is not to receive or certifie any *Affidavit*, unless the same be fair and legibly written without blotting, or interlineation of any word of substance.

The Masters Certificate (not being to ground a Decree) if it be positive, is to stand, and process may be taken out upon it.

In all Matters referred to the Masters of the Court, their Certificate (not being to ground a Decree) if it be positive, is to stand, and process may be taken out to inforce performance thereof without further Motion, unless the adverse Party, upon notice given (to his Attorney or Clerk in Court) that such Report is filed against him, shall within eight days after such notice (if it be given in Term, or whilst the general

neral Seals for Motion are held, or within four days of the next Term, if it be given after) obtain ſome Order in Court to controll or ſuſpend the ſame, and in caſe of an inſufficient Anſwer certified by the Maſters, the Plaintiff may immediately take out Proceſs againſt the Defendant for his Coſts, and to make a better Anſwer, as hath been formerly uſed.

Exceptions to the Maſters Reports. he that files the Exceptions to depoſite 40 s.

Where after Certificate or Report made by the Maſters of the Court, either Party ſhall appeal from the ſame to the Judgment of the Court, he ſhall firſt file his Exceptions thereunto briefly, with the Regiſter, and depoſite with him 40 s. to be paid to the other Party for the Coſts, if he prevail not in ſuch Appeal: And then the Regiſter ſhall enter ſuch Cauſes of Appeal in a Paper, in order as they are brought unto him to be determined by the Court in courſe, upon days of Motion, and notice thereof to be given by the Party appealing to the Clerk of the other ſide. And alſo the Regiſters Paper to be ſet up in the Office two days before: And if the Court ſhall not alter the Maſters Report, then the 40 s. depoſited to be paid to the Party defending the ſame, with ſuch Increaſe as the Court ſhall find cauſe to impoſe; otherwiſe to be reſto-

red to the Party appealing, and both without Charge.

Masters extraordinary not to take Affidavits, or acknowledge Deeds within 20 miles of *London*.

The Masters extraordinary shall not within twenty Miles of *London* take any *Affidavit*, or acknowledgment of Deeds, or Recognizances, or do any other Act incident to the place of Master of the *Chancery*. And to the end it may appear, whether any Master extraordinary shall notwithstanding presume so to do, every such Master shall express the Name of the Town and Country where he shall take any *Affidavit*, or the acknowledgment of any Deed or Recognizance; otherwise the same shall not be held authentical, nor omitted to be filed or inrolled.

Cursitor.

WHereas there is an irregular practice lately introduced of making forth Original Writs of *Clausum fregit*, in Trespass, without any other Cause of Action therein expressed of Returns past, when in truth the proper Cause of Action is either Debt, Case, Ejectment, or some other Cause of Action; and by Process thereupon, the Defendant is not only usually arrested, but frequently proceeded against to the Outlawry, to the great damage of

of the Subject, and the loſs and diminution not only of the proper Original Writs iſſuing out of this Court, but alſo of his Majeſty's Revenue for the caſual Fines thereupon due and payable: It is therefore Ordered,

That no Curſitor of this Court, from and after the firſt day of *Trinity* Term next enſuing, make, or cauſe to be made any Writs of *Clauſum fregit*, or *Clauſum & Domum fregit*, within the City of *London*, without ſpecial Warrant from the Lord Chancellor, or Lord Keeper of the Great Seal of *England*, or Maſter of the Rolls, for the time being, unleſs it be made appear by *Affidavit*, or ſome other probable Evidence that the ſame is the true and proper Cauſe of Action.

No *Clauſum fregit* to be made in *London* without ſpecial warrant from the Lord Chancellor, *&c.* or it be made appear that the ſame is the true cauſe of Action.

That no Curſitor of any other County do make, or permit to be made within his reſpective Diviſion any of the ſaid Writs of *Clauſum fregit*, or *Clauſum & Domum fregit*, of any other Return, than of the laſt Return of every reſpective Term, unleſs it be to warrant Arreſts, and *Teſtatum Capias* only.

No Writs of *Clauſum fregit* to be made of any other return than of the laſt return after every Term, except in two caſes.

That no Curſitor ſhall from and after the end of *Michaelmas* Term next enſuing, make, or permit to be made

Of what returns the Curſitor is to make his Original Writs.

within his respective Office and Division, any Original Writ whatsoever of any Return past, unless he shall receive the Instructions for making thereof within the Term wherein the said Writs are to be returnable; or at the farthest, on or before the first Essoyn-day of the next succeeding Term, without special Warrant from the Lord Chancellor, or Keeper of the Great Seal of *England*, or Master of the Rolls for the time being, or good Cause to be allowed of by the Principal and Assistants of the Company of the Cursitors for the time being, or the major part of them, at their publick Meetings, according as heretofore hath been used.

The Cursitors are to take care that they employ under them in their Office none but persons of known Integrity and Ability; and if any Clerks or Persons so employed, shall be found faulty in the Premisses, he shall be expulsed the Office, and the Cursitor who so employed him, shall be answerable to the Court for such Misdemeanors; and such person or persons, who shall be discovered to do, or proceed otherwise than is before mentioned, shall be liable to such Censure for his Offences as the Court shall find just to inflict upon him.

Petitions.

Petitions.

NO Injunction for ſtay of Suit at Law ſhall be granted, revived, diſſolved or ſtaid upon Petition; nor any Injunction of any other Nature ſhall paſs by Order upon Petition, without Notice, and a Copy of the Petition firſt given to the other ſide, and the Petition filed with the Regiſter, and the Order entred.

Injunction not to be ſtaid, granted or diſſolved upon Petition without notice, and a Copy of it to the other ſide.

No Sequeſtration, Diſmiſſion, Retainers upon Diſmiſſions or final Orders, are to be granted upon Petition.

No Sequeſtration, diſmiſſion, Retainers upon diſmiſſions to be granted upon Petition.

No former Order made in Court is to be altered or explained upon a Petition, or Commitment of any perſon taken upon Proceſs of Contempt, to be diſcharged, but upon hearing the adverſe Party, his Attorney or Clerk, towards the Cauſe.

No former Order of Court to be altered or explained upon a Petition or Commitment of any perſon on Contempt, to be diſcharged by it.

Paupers.

AFter an Admittance *in Forma Pauperis*, no Fee, Profit or Reward ſhall be taken of ſuch Party admitted by any Counſellor or Attorney, for the diſpatch of the *Paupers* Buſineſs, during the time it ſhall depend in Court, and he continued *in Forma Pauperis*, nor

No Fee to be taken during the *Paupers* buſineſs depending in Court, and the Penalty.

nor any Contract nor Agreement be made for any Recompence or Reward afterwards. And if any perſon offending herein ſhall be diſcovered unto the Court, he ſhall undergo the diſpleaſure of the Court, and ſuch farther puniſhment as the Court ſhall think fit to inflict upon him; and the Party admitted, who ſhall give any ſuch Fees or Reward, or make any ſuch Contract or Agreement, ſhall be from thenceforth diſpaupered, and not be afterwards admitted again in that Suit to proſecute *in Forma Pauperis*.

Cauſes of being diſpauper'd and diſmiſſed.

If it ſhall be made appear to the Court, That any perſon proſecuting *in Forma Pauperis*, hath ſold or contracted for the benefit of the Suit, or any part thereof, while the ſame depends, ſuch Cauſe ſhall be from henceforth totally diſmiſſed the Court, and never again retained.

Such Counſel or Attorney as ſhall be aſſigned by the Court, to aſſiſt the perſon *in Forma Pauperis*, either to proſecute or defend, may not refuſe ſo to do, unleſs they ſatisfie the Lord Chancellor of *England*, or Lord Keeper, or Maſter of the Rolls, who granted the Admittance, with ſome good reaſon of their forbearance.

That the Counſellor who ſhall move any

any thing to the Court on the behalf of a perſon admitted *in Forma Pauperis*, ought to have the Order of Admittance with him, and firſt to move the ſame before any other Motion. And if the Regiſter ſhall find that ſuch perſon was not admitted in *Forma Pauperis*, he ſhall not draw up any Order upon the ſecond Motion, made by any ſuch Counſel, but he ſhall loſe the fruit of ſuch ſecond Motion, in reſpect of his abuſe to the Court.

The Counſel who moves for a *Pauper* ought to have the Order of admittance with him.

No Proceſs of Contempt ſhall be made forth, and ſent to the Great Seal, at the Suit of any perſon proſecuting as Plaintiff *in Forma Pauperis*, until it be ſigned by the Six Clerk, who deals for him, and the Six Clerks are to take care that ſuch Proceſs be not taken out needleſſly, or for vexation, but upon juſt or good grounds, as they will anſwer it to the Court, if the contrary ſhall appear.

No Proceſs of Contempt to be made at the Suit of a *Pauper* till it be ſigned by the Six Clerk.

And laſtly, It is Ordered, That all Maſters of the Court of Chancery, Counſellors, and all Officers, Miniſters, Clerks and Solicitors in the ſaid Court, do obſerve theſe Orders, which are to continue, until upon farther conſideration and experience, any alterations ſhall be fit to be made therein.

Clarendon.
Har. Grimſton.

Mercurii 27 die Feb' Anno Regni *Caroli* II. Regis 19. 1667.

Ordo Curiæ. Touching Examination of Witnesses.

WHereas the Masters in Chancery, upon References to them upon Hearings for the ease of the Court in stating of Accounts, and other like matters have of late been armed with Commissions to Examin Witnesses, and Power to direct Commissions into the County if they saw cause: Whereupon difference hath risen between the said Masters and the Six Clerks and Examiners of this Court about the Right of taking and keeping such After-Examinations, and to whom such Commissions and the Depositions thereby taken, should be returned, kept and copied; And the Right Honourable the Lord High Chancellor of *England* being acquainted therewith, was pleased to appoint this present day for hearing all the said parties, and accordingly his Lordship being assisted by the Honourable the Master of the Rolls, and having respectively heard the said Masters, Six Clerks and Examiners then present touching the same, declared, That such Commissions and Exa-

min-

minations ought not to be returned to, or taken, or kept by the ſaid Maſters, in regard whilſt they are in their hands the ſame are not any Records to ground their Reports, and the Judgment of the Court upon, in caſe the Cauſe ſhould afterwards come to hearing upon Exceptions to ſuch Reports, or be otherwiſe reheard, and that the Client cannot have authentick Copies at any ſuch Hearing, nor exemplifie, or otherwiſe make uſe of the ſame at any Trial at Law, to be directed by this Court or otherwiſe: And in regard ſuch Examinations are in danger to be loſt, or not known where to be found upon the death or removal of ſuch Maſter who keeps the ſame, and that Clients will be encouraged more frequently to neglect or forbear to make their full proofs, although they ought and might do it before publication, purpoſely to take advantage of ſuch later proofs which may occaſion the lengthning out of Cauſes, to the great charge and delay of the Suitors in this Court. Therefore his Lordſhip, upon ſerious conſideration of the whole matter, and preventing ſuch inconveniences and irregular proceedings as aforeſaid, doth think fit and ſo order, That for the future, all parties concerned do at their perils, as much as

in

After publication, Interrogatories may be exhibited to examin Witneſſes.

in them lies, make their full proof before publication paſſeth in the Cauſe. But if upon any ſuch reference the Maſter ſhall find any particular points or circumſtances needful to be proved to ground his Report upon, which are not fully proved, nor could properly be examined to before the hearing of the Cauſe, he ſhall then direct the parties to draw Interrogataries to ſuch Points or Circumſtances only, and examine thereupon in Court by the Examiners, if the Witneſſes ſhall be or reſide within ten Miles of *London*, as by the Rules of the Court they ought to do; but if farther off, and the parties deſire it, he may direct a Commiſſion into the Country, which is to be made out by the Six Clerks; which ſaid Commiſſion, and the Depoſitions thereby taken, ſhall be returned unopened to the reſpective Six Clerk, which ought to have the keeping thereof, and publication to paſs according to the courſe of the Court in ſuch Caſes; and all other Examinations in this Court for the future, not taken and kept of Record by the Six Clerk, or Examiners as aforeſaid, are from henceforth declared to be void, and ſhall not be admitted to ground any ſuch Report, or otherwiſe be made uſe of in

Or to direct a Comiſſion into the Country.

in any proceedings in this Court or at Law.

Clarendon, Chanc'.

Sabbati 1 *Feb'* *Anno Regni* Caroli *II. Regis* 20. 1668. *Ordo Curiæ.*

. . .

WHereas by an Order made by the Right Honourable *Edward*, Earl of *Clarendon*, late Lord High Chancellor of *England*, and the Honourable Maſter of the Rolls, bearing date the 18th day of *July*, 1666. It was ordered that all Bills, Anſwers and other Pleadings thereupon in the Six Clerks Office, and all Exemplifications, Writs and Copies in the Cauſes, ſhould be filed, made and expedited according to the diviſion and allotment of the Letters of the Alphabet, in the Cauſes wherein the Plaintiff, or firſt Plaintiffs Surname began, as therein is mentioned by the reſpective Six Clerks therein named, and their Succeſſors reſpectively, and by no other; againſt which ſeveral Complaints have been made to the Lord Keeper by ſeveral Suitors, upon examination whereof and Conference with the Maſter of the Rolls, his Lordſhip held the ſaid Order unfit to be continued,

Vide ſupra 18 *July*, 1666. Repealed.

nued, and further put in Practice; and doth therefore order that the ſaid Ordinance be from henceforth diſcharged, and that the Method thereby directed be not from henceforth for the future practiſed or obſerved; but all Clients be at liberty to chuſe their own Attorney, and that the buſineſs of the Court from henceforth be diſpatched as formerly was uſed before the making of the ſaid Ordinance.

Clients to be at liberty to chuſe their own Clerk or Attorney.

Bridgman, C. S.

Lunæ 25 *May Anno Regni* Caroli *II. Regis* 20. 1668.

Ordo Curiæ.

Touching the Uſher of the Court.

WHereas by two ſeveral Orders, the one of the 8th and the other of the 10th of *April* laſt, made in a Cauſe wherein *John Elliott*, Eſq; is Plaintiff, and *Jane Hicham* and others Defendants, upon Complaint of the ſaid Plaintiff againſt Mr. *Joſeph Herne*, late Uſher of this Court, for the Reaſons then alledged; it was the ſaid 8th day of *April* ordered, that the ſaid Mr. *Herne* ſhould be called in Court three ſeveral times that Day, and ſo three times on three ſeveral days ſucceſſively to attend in Court, according to the duty

Uſher of this Court forfeited his Place for non-attendance.

duty of his Place: And the ſaid Mr. *Herne*, being according to the Command and Direction aforeſaid, called by the Cryer of this Court three ſeveral times upon three ſeveral days, and not appearing upon either of them to give his attendance, in order to the execution of his Place as Uſher of this Honourable Court; The Right Honourable the Lord Keeper of the Great Seal of *England* did the ſaid 10th day of *April* order, that the ſaid ſeveral defaults ſhould be recorded in the Petty-Bag, to the end ſuch further Order ſhould be taken as ſhould be juſt with the ſaid default being accordingly recorded; and the ſaid Mr. *Joſeph Herne* being again this day, by the command of his Lordſhip, called three ſeveral times to give his attendance in this Court as aforeſaid, and not appearing, his Lordſhip declared the ſaid Place to be void, and that the ſame was forfeited for his not attendance, and doth therefore order, that the aforeſaid ſeveral defaults, together with this Order, be alſo recorded in the Petty-Bag.

Jovis

Jovis 18 die Junii Anno Regni *Caroli* II. Regis 20. 1668.

Ordo Curiæ. *Touching Under-Clerks and Fees.*

FOr the better regulating of the Office of Six Clerks, and for ſetling the differences lately ariſen between the Six Clerks, and the Under-Clerks of the ſaid Office in ſuch manner, as that the inconveniences occaſioned by the ſaid differences, to the hindrance of the diſpatch of the buſineſs of this Court may be hereafter avoided, it is this preſent 18th day of *June*, in the 20th Year of the Reign of our Sovereign Lord *Charles* the Second, *&c.* by the Right Honourable Sir *Orlando Bridgman*, Knight and Baronet, Lord Keeper of the Great Seal of *England*, and the Honourable Sir *Harbottle Grimſtone*, Baronet, Maſter of the Rolls, and by the Authority of this High and Honourable Court of Chancery, ordered, ordained and decreed, That on or before the 1ſt day of *November* next enſuing, all the preſent Under-Clerks of the ſaid Office who now are allowed and admitted to practiſe, except ſuch only againſt whom there is juſt cauſe of exception in the Judgment of the

The Honourable the Maſter of the Rolls, ſhall be admitted Clerks of this Court, and that as well they the ſaid Under-Clerks ſo to be admitted, as every other perſon hereafter to be admitted to the place of an Under-Clerk in the ſaid Office, ſhall at, or before the time of ſuch his admiſſion, and before his or their entrance upon that Imployment, take this Oath following, (that is to ſay,)

The Oath of the Under-Clerks.

YOU ſhall ſwear, that you ſhall not willingly do, procure or aſſent unto any thing, whereby any of the Records, Rolls, Pleadings, Books or Writings of or belonging unto the Court of Chancery, which ſhall be under the keeping or charge of the Maſter of the Rolls for the time being, or of any of his Clerks or Miniſters, or which ſhall come to your hands, or whereunto you ſhall have recourſe, ſhall be imbezled, falſified, corrupted, raſed or defaced, or whereby any corruption, fraud or deceit may be done thereby, but ſhall well and truly entreat and deal with the ſaid Records, Rolls, Pleadings, Books and Writings, according to your beſt knowledge and underſtanding; and that you ſhall do your

your utmoſt endeavour for the ſafe and ſecret keeping of all Examinations and Depoſitions of Witneſſes that ſhall be delivered unto you, or ſhall come to your hands, without opening, publiſhing, or diſcloſing till publication be granted by the Court, or otherwiſe by the aſſent of the Parties, or their Attorneys, according to the Courſe of the ſame Court. So help you God.

And that upon the death, or removal of any of the ſaid Under-Clerks, ſo to be admitted and ſworn in each reſpective Six Clerks diviſion, no other perſon or perſons ſhall from, and after the time aforeſaid be admitted or ſworn an Under-Clerk of the ſaid Office, or be admitted to practiſe in the place or places of him or them ſo dying, or being removed until the number ſhall be reduced to ten Under-Clerks in each reſpective Six Clerks diviſion, that ſo the number of the Under-Clerks of the whole Office may be reduced to ſixty Clerks and no more, at which number the ſaid Under-Clerks ſhall, from and after ſuch reducement be continued, unleſs this Court ſhall find it neceſſary to increaſe or abridge the ſame; and when any vacancy ſhall happen of any the Under-Clerks places, after

Sixty Under-Clerks in the Office.

after such reducement as aforesaid, none shall be nominated by the Six Clerks respectively for the place of the said Under-Clerks respectively, unless he and they have been educated and brought up in the said Office, and have served seven years at the least as a Clerk under some of the Six Clerks, or Under Clerks, and shall be of honest and civil behaviour, and be otherwise fitly qualified for the said imployment. And it is hereby further ordered, ordained and decreed, that no person upon any pretence whatsoever shall be permitted to practise as an Under-Clerk in the said Office, but such only as shall be sworn and admitted as aforesaid; and that no Under-Clerk so to be sworn and admitted as aforesaid, shall at any time, on any pretence whatsoever, be deprived, suspended, or in anyways hindred in, or from the exercise of his, or their said Imployment, but by Judgment or Order of the Lord Chancellor, Lord Keeper, or Master of the Rolls for the time being only. And that out of the Fees payable by the Clients, the said Under-Clerks respectively so to be sworn and admitted as aforesaid, shall, and may have, receive retain, and keep to their own uses respectively, the several Fees and Allowances hereaftermen-

Under-Clerks to be such as are brought up in the Office.

mentioned, and ſhall be accountable to the Six Clerks reſpectively for any buſineſs to be diſpached in the ſaid Office, after the rates and proportions only herein after ſet down, and not otherwiſe, (that is to ſay,)

Clerks Fees.

That the Under-Clerks ſhall have and receive and retain to their own uſes reſpectively,

Out of the Termly Fee of 3 s. 4 d. the ſum of, 2 s. 4 d.

And for all Copies of Bills, Anſwers, Pleas, Demurrers, Replications, Rejoynders, Depoſitions, Interrogatories and other Records uſually diſpatched in the ſaid Office for four pence a ſheet, and the Fee of 6 d. per ſheet uſually paid for the tranſcript of the Bill annexed to the Writ of *Dedimus poteſtatem* 4 d.

And 12 s. 8 d. per skin for all Exemplifications, 12 s. 8 d.

And 2 s. 8 d. for every *Dedimus poteſtatem*, 2 s. 8 d.

And 3 s. 2 d. for every Ordinary Commiſſion, and Rejoyning Commiſſion to examin Witneſſes, 3 s. 2 d.

And 4 s. for every Commiſſion of Rebellion, 4 s.

And

And 3 s. 2 d. for every Writ of Execution of an Order, 3 s. 2 d.

And 16 s. 4 d. for every Decree and Diſmiſſion, 16 s. 4 d.

And 13 s. 2 d. per skin for every Writ of Execution of a Decree, 13 s. 2 d.

And 6 s. 8 d. for every Injunction, 6 s. 8 d.

And 1 s. for every Attachment, and Attachment of Proclamation, 1 s.

And a Moiety of oll other Fees for all other Writs uſually diſpatched by the Clerks in their Clients Cauſes Moiety

And the Under-Clerks reſpectively ſhall be accountable to the Six Clerks reſpectively only

For 2 s. reſidue of the ſaid Termly Fee of 3 s. 4 d. 2 s.

And 4 d. per ſheet of all Copies of all Bills, Anſwers, Pleas, Demurrers, Replications, Rejoynders, Depoſitions, Interrogatories, and other Records uſually diſpatched in the ſaid Office, 4 d.

And 14 s. a skin for every Exemplification, 14 s.

And 4 s. for every *Dedimus poteſtatem*, 4 s.

And 3 s. 6. for every Commiſſion, and Joyning in Commiſſion to examin Witneſſes, 3 s. 6 d.

And

And 6 s. for every Commiſſion of Rebellion, 6 s.

And 3 s. 6. for every Writ of Execution of an Order, 3 s. 6 d.

And 17 s. for every Decree and Diſmiſſion, 17 s.

And 13 s. 6 s. *per* skin for every Writ of Execution of a Decree, 13 s. 6 d.

And 6 s. 8 d. for every Injunction, 6 s. 8 d.

And 1 s. for every Attachment with Proclamation, 1 s.

And for a Moiety of all other Fees for all other Writs, uſually diſpatched by the Clerks in their Clients Cauſes, Moiety

And it is further ordered, ordained and decreed by the Authority aforeſaid, That if any of the ſaid Under-Clerks for the time being, after his, or their receit of any of the Fees, and ſums of Mony aforeſaid, or after his, or their delivery out to his Client, or any on his behalf, any Writs, Commiſſions, Exemplifications, or other Proceſs, or of any Copies of any Bills, Anſwers, or other Pleadings made, written or diſpatched in the ſaid Office, and ſhall not faithfully and duly account for, and pay what belongs to every Six Clerk to whom he is accountable, and ought to pay

pay for the ſame according to the rates and proportions aforeſaid, without any wilful delay or concealment: That in ſuch caſe every Under-Clerk ſo offending, upon complaint and proof thereof made before the Right Honourable the Lord Chancellor, Lord Keeper, or Maſter of the Rolls ſhall over and beſides ſuch remedy as the Six Clerks have legally for the ſame, undergo ſuch puniſhment as the ſaid Lord Chancellor, Lord Keeper, or Maſter of the Rolls for the time being ſhall judge meet to ſtand with Juſtice, and the nature of his demerit, who will be the more careful to ſee the ſaid Six Clerks righted therein, in reſpect they do by the reaſon of the more ſure and juſt payment of the reſidue of their ſaid Fees, abate much of what heretofore they uſed to receive.

No Commiſſion, Writ or Proceſs ſhall be put to the Seal, nor any Copies of Pleadings, Commiſſions, Depoſitions, Certificates, &c. to be delivered out of the Office, until they be firſt ſigned by the Six Clerks, &c.

And it is alſo ordered, ordained and decreed by the Authority aforeſaid, That from henceforth no Commiſſion, Writ or proceſs uſually made or diſpatched in the ſaid Office, ſhall from henceforth be put to the Seal, nor any Copies of any Pleadings, Commiſſions, Depoſitions, Certificates or other Records uſually diſpatched in the ſaid Office, ſhall be delivered out of the ſaid Office to any Client, until the ſaid Commiſſions, Writs, Proceſs and Copies

pies reſpectively, ſhall be firſt ſigned by the Six Clerks, to whom the ſame doth, or ſhall properly belong to his Deputy, or in his, or their abſence by ſome other of the Six Clerks, not towards the Cauſe.

And that all Commiſſions whereby any Depoſitions are taken and returned, which belong to the Six Clerks to receive, ſhall immediately upon the bringing in, or return thereof into Court, be delivered to the Six Clerk, to whom the ſame doth properly belong, or his Deputy, to be ſafely and ſecurely kept, till publication be duly paſſed, and not to be from henceforth in any wiſe kept back or broken open by any of the Under-Clerks, or other perſon, till publication thereof ſhall be paſſed, as aforeſaid; for which end and purpoſe each Six Clerk is hereby injoyned to have one or more Deputy or Deputies, to be conſtantly reſident and attendant in the ſaid Office in the abſence of the ſaid Six Clerks, for ſigning of Writs, Copies, and receiving Commiſſions as aforeſaid. And it is further ordered and decreed, That all Rules whatſoever ſhall from time to time be duly entred in the Common Book, commonly called the Houſe-Book; and that upon entring of ſuch Rules, notice ſhall from time to time be given to the Under-Clerk on the

The Six Clerk to have one or more Deputies to be conſtantly attendant in the Office.

All Rules to be duly entred into the Houſe-Book, and notice thereof to be given to the Under-Clerk of the other Side.

the other Side, that is towards the Cauſe, to the end the Client may not be ſurprized thereby.

And that upon the delivery out of any Copy, the Clerk who copied and delivered the ſame, ſhall bring back and deliver the Record to the Six Clerk, from whom he received the ſame, to the end the ſame may be filed and bundled with the reſt of the Records, in the ſame Cauſe; and that all Bills, Anſwers, Replications, Rejoinders and other Proceedings, relating to any Suit commenced in this Honourable Court ſince the firſt day of *Michaelmas* Term laſt, and now remaining unfiled in the cuſtody or poſſeſſion of any Under-Clerk of the ſaid Office, ſhall in ſome convenient time be produced and filed with ſuch Six Clerk, to whom the ſame ſhall properly belong; and that the Under-Clerks reſpectively, according to the proportions before mentioned, ſhall duly ſatisfie and pay the Six Clerks reſpectively, the Fees due for the ſame as aforeſaid: And in caſe ſuch Under-Clerk reſpectively have received all the due Fees for the ſame of their Clients reſpectively, and if not, then they are to give unto the Six Clerks reſpectively a Note in writing under his or their Hands of the Name or Names, Place

The Under-Clerk to give to the Six Clerk a Note of the Name and Place of abode of ſuch their Clients who are in arrears for Fees

Place or Places of abode, of ſuch Client or Clients who are in arrear for any Fees due to them, and the *quantum* of ſuch Fees, to the end the Six Clerks reſpectively may take ſuch courſe for the recovery thereof, as they ſhall be adviſed; and that for ſo much the ſaid Under-Clerks ſhall be diſcharged, and acquitted from every further demand from them concerning the ſame. And laſtly, it is ordered, ordained and decreed, That this preſent Decree ſhall be inrolled in the Judgment Rolls of this Court, to be obſerved for the future to all intents and purpoſes, according to the Tenour and true Meaning thereof.

Orlando Bridgman, C. S

Harb. Grimſtone, M. Rolls.

Or-

Sabbati 31 die Octob' Anno Regni *Caroli* II. Regis 20. 1668.

Touching Under-Clerks.

Ordo Curiæ.

WHereas on the 18th of *June* last, a Decree was made for the Regulating of the Office of Six Clerks, and for setling of the differences lately arisen between the Six Clerks and the Under-Clerks of the said Office by the Right Honourable Sir *Orlando Bridgman*, Knight and Baronet, Lord Keeper of the Great Seal of *England*, and the Honourable Sir *Harbottle Grimstone*, Baronet, Master of the Rolls; wherein it is amongst other things decreed, That on or before the 1st day of *November* next ensuing, all the present Under-Clerks of the said Office, who now are allowed and admitted to practise, except such only against whom there is just cause of exception in the judgment of the Honourable the Master of the Rolls, should be admitted Clerks of this Court, and that as well they the said Under-Clerks, so to be admitted, as every other person hereafter

Supra 18 June 68.

The time for admitting and swearing the Under-Clerks enlarged.

ter to be admitted to the place of an Under-Clerk in the said Office should, at, or before the time of such his admission, and before his and their entrance upon that imployment, take the Oath therein particularly expressed. Now for as much as the time prefixed by the said Decree is near expired, and there be many of the said Under-Clerks, who by reason of their remoteness of dwelling or other accidents, are not as yet come to Town, whereby the said Decree cannot in strictness be performed; It is this present day ordered by the Right Honourable the Lord Keeper, *&c.* and the Honourable the Master of the Rolls, that the said time be inlarged till the first day of the next Term, without any prejudice to any absent under-Clerk, who shall not come in to be admitted and sworn in the mean time.

Mer-

Mercurii 18 die Novembris Anno Regni *Caroli* ſecundi Regis 20. 1668.

Touching Priviledge Writs, Pauper Writs, and Renewed Writs. Ordo Curiæ.

FOraſuch as the Right Honourable the Lord Keeper, *&c.* was this day informed by Mr. *Collings* on behalf of ſeveral Officers and Clerks of this Court, that all ſmall Writs that paſſed the great Seal for priviledged Perſons, and for ſuch as are admitted to ſue in this Court in *Forma Pauperis*, and Renewed Writs, were, and uſually have been by ancient courſe delivered to perſons by whom ſuch Writs have been Sealed, or to their Clerks, without paying any thing therefore; and that by an Order of this Court, made the 12th of *February*, 14 *Caroli ſecundi*, upon information of one Mr. *Hutton*, a Clerk or Deputy to the Right Honourable the Lord *Newbrough*, through whoſe Office all Writs of that nature do paſs, refuſeth to deliver the ſame without Fees for the Seals thereof; It was thereupon ordered, That all Writs which ſhould be ſealed for priviledged Perſons, and for Suitors in this Court *in Forma Pauperis*, *Vide ſupra* 12 Feb. 14 Car. 2.

and Renewed Writs, ſhould from henceforth be delivered to the perſons for whom the ſame ſhould be ſealed, or to their Clerk, without paying or giving any thing for the ſame; which Order was obſerved by the ſaid Mr. *Hutton* during the time he continued his Employment in the ſaid Office. But one Mr. *William Adderly* who now Farms the ſaid Office under the Commiſſioners of His Majeſty's Treaſury, refuſes to deliver ſuch Writs aforeſaid, without paying Fees for the Seals thereof: It is ordered by his Lordſhip, That the ſaid Mr. *Adderly* do obſerve and conform to the Order aforeſaid, by delivering all Writs which ſhall be ſealed for priviledged Perſons, and for Suitors to this Court in *Forma Pauperis*, and Renewed Writs, to the perſons for whom the ſame ſhall be ſealed, or to the Clerk, without paying or giving any Fees for the ſame, unleſs the ſaid Mr. *Adderly*, having notice thereof, do on the laſt day of this Term ſhew cauſe to the contrary.

Priviledge Writs, Pauper Writs, and Renewed Writs, to pay no Fees.

Sab-

Sabbati 12 die Feb' Anno Regni *Caroli* II. Regis 22. 1670.

Concerning Exceptions to a Masters Report. *Ordo Curiæ.*

THe Right Honourable the Lord Keeper taking notice of the trouble and loss of time to the Court, and expences and delay to the Suitors, occasioned by putting in Exceptions to Masters Reports, many of which do prove frivolous and vexatious, doth for the prevention thereof declare and order, That for the future, from this time, every person that shall put in Exceptions to a Masters Report, shall besides the 40 *s.* deposited upon exhibiting the same, pay 10 *s.* farther Costs for every Exception or distinct branch of an Exception, which shall upon the hearing thereof be overruled.

He who puts in Exceptions to a Masters Report, besides 40 *s.* shall pay 10 *s.* Cost for every Exception that shall be over ruled,

Martis 8 die Aprilis, Anno Regni *Caroli* II. Regis 25. 1673.

At Exeter-house *by the Right Honourable the Lord Chancellor.*

Ordo Curiæ. *About the Impositions on Law Proceedings.*

ORdered upon the humble request of the Farmers of his Majesty's Duty arising by virtue of an Act of Parliament for laying Impositions on Proceedings at Law, That the Agent or Agents of the said Farmers shall have liberty to attend from time to time, and view all Copies of Records of the said Court that shall be offered to be read or made use of in any Motion, or on the hearing of any Cause, arguing of any Pleas or Demurrers, or exceptions to Reports at the Lord Chancellors; and also at the hearing of all Causes at the Rolls, to the end it may be known whether such Copies be signed by the proper Officer appointed for that purpose by the said Act, and His Majesty's Duty duly answered for the same. And all Counsellors, Clerks, Solicitors, or others in whose Custody any such Copy shall be, are

are required to permit the ſaid Agent or Agents on requeſt in that behalf, to view and take an account of the ſame according to the direction of the ſaid Act; that the ſaid Agent or Agents ſhall have liberty to attend at all Publick Seals, from the time of opening the Seals to the ſhutting up thereof, and ſhall put up all Writs and other things that ſhall be ſealed, into a Bag for that purpoſe, and go immediately, after the Seal is over, with the Clerk of the *Hanaper* or his Deputy to the *Hanaper* Office, and then take an account of all the ſaid Writs and other things Sealed, and ſtamp the ſame with a Stamp, to be provided by the ſaid Farmers for that purpoſe; and if neceſſity do require that any Writs or other things Sealed, ſhall be delivered out immediately after Sealing, the ſame, ſhall be firſt ſtamped, and an account taken thereof by the ſaid Agent or Agents, but neither the Clerk of the *Hanaper*, nor his Deputy, nor any other ſhall preſume to deliver out or take away any Writs or other things whatſoever that ſhall paſs the Seal, until the ſame be ſo ſtamped, that the ſaid Farmers Agent or Agents giving their due attendance from time to time to perform the ſame; that ſome perſon

Farmers of the Duty of the Law Tax how to manage themſelves for the better collecting thereof.

whom the Farmers ſhall for that purpoſe appoint, ſhall attend at all private Seals, and take an account of, and make an Entry into a Book to be kept by him for that purpoſe, of all Writs and other things that ſhall be Sealed at ſuch private Seal, and ſhall alſo write his Name on the backſide of ſuch Writs and other things ſo Sealed, and ſee that His Majeſty's Duty be anſwered for the ſame.

Shaftsbury, C.

Har. Grimſtone.

Jovis 8 die Maij, Anno Regni *Caroli* II. Regis 25. 1673.

Ordo Curiæ. *At* Exeter-houſe, *ad idem.*

THe Right Honourable the Lord High Chancellor, *&c.* having this day heard the Farmers of His Majeſty's Duties, ariſing by impoſitions and proceedings at Law, and their Counſel, and alſo the Six Clerks Office in the Court of Chancery, and the Under-Clerks in the Six Clerks Office to ſeveral things offered by the ſaid Farmers for better collecting the ſaid Duties ariſing within the ſaid Six Clerks Office,

Office, doth order and direct according to the Power and Authority given him by the ſaid Act.

1. That no Clerk or Solicitor do ſend, or knowingly permit, or ſuffer to be ſent any Bill, Anſwer, Plea, Demurrer, Depoſitions of Witneſſes, or other Record of the ſaid Court, or any Draught or Copy thereof to any perſon or perſons to take or make Copies thereof, or uſe the ſame, whereby the King's Majeſty, or his Farmers may be defrauded of any of the Duties impoſed by the ſaid Act.

2. That the Clerks of the ſaid Office do duly enter and pay the Duty for all appearances of perſons for whom they have directions to appear, and that neither the Six Clerks for the Plaintiff, nor his Deputy do deliver any Bill to a Clerk, or any other for the Defendant, without a Note under the Hands of the Six Clerks for the Defendant, or his Deputy, teſtifying that the Appearance is entred; which Note the ſaid Six Clerk, or his Deputy, who receiveth the ſame is carefully to file up, to the end the Clerk, or the Perſon, who on delivery thereof taketh away any Bill, may, if occaſion requires, be called to return the ſaid Bill, and charged by the ſaid Six Clerk, or his De-

Deputy, or the Farmers Agent with the payment of His Majesty's Duty for the Copy thereof.

3. That the Farmers of His Majesty's Duty do provide for every of the said Six Clerks a Book, and that every of the said Six Clerks, and their Deputies do take special care, that before any Records or Pleadings whatsoever (Bills excepted) be taken or delivered out of the Six Clerks Studies or Record-house, a short entry be made thereof in the Book remaining with the Six Clerks from whom the same is taken, or to whom the Custody thereof belongeth, with the time when, and the Persons Name by whom the same is taken out, to the end, as occasion shall require, the said person may be called on to return such Records and Pleadings, and for payment of His Majesty's Duties for the Copies thereof.

4. That all Bills, Answers, Pleadings and other proceedings in the said Court be duly filed, and that no Copies be made thereof till the same have been so filed with a proper Officer for that purpose.

5. That no Copy of any Bill, Answer, Plea, Demurrer, Depositions of Witnesses, or other Records of the said

ſaid Court ſhall be delivered or ſent to any Client or Solicitor, or other Perſon till the ſame be ſigned by the proper Officer to whom they belong, or his Deputy; and that no cloſe Copy whatſoever ſhall be made until an Office Copy hath been paid for; and that in ſuch caſe where a cloſe Copy is made for the ſame perſon, by whom, or on whoſe account an Office-Copy hath been paid for, His Majeſty's Duty ſhall not be required for ſuch cloſe Copy.

6. That no Copy of any Record of the ſaid Court be offered to be read, or made uſe of either in Court, or at the Rolls, or before any Maſter or elſewhere, or any Fees taken for the ſame, which is not under the proper Officer, or his Deputies Hand, the draughts of Complainants or Defendants own Bills, Anſwers or other pleadings, which by the ancient Rules of the Court have been permitted to be made uſe of by themſelves only excepted.

7. That no Commiſſion whatſoever be publiſhed but in the preſence of one of the Six Clerks concerned in ſuch Cauſe or Cauſes, in which they ſhall happen to be publiſhed, or one of the Deputies who is to cauſe the ſame to be

be entred in the ſaid Book, to be provided by the ſaid Farmers, to the end the Clerk concerned in ſuch Cauſe or Cauſes, may be called on to pay His Majeſty's Duty for the Copies of Depoſitions, as in the caſes of Copies of other Pleadings and Records.

8. That no *Subpœna ad audiendum Judicium* be made out, until a Certificate under the hand of the Six Clerk, at whoſe inſtance the Cauſe is ſet down, be delivered to the Deputy of the *Subpœna-Office*, that the Pleadings in the Cauſe are filed, which Deputy is hereby required to write thereon the Name of the Clerk that deals for the Plaintiff, and to deliver over ſuch Certificate to ſuch perſon whom the Farmer of the King's Duty ſhall appoint to receive the ſame.

9. That the Six Clerks, or their Deputies, or other Officers of the ſaid Court, when they ſign any Copies, do write thereon the day of the Month when they are ſigned, and in words at length the number of Sheets which they contain, and alſo ſubſcribe their Names to the ſame.

10. That the ſaid Six Clerks do give the Names of their Deputies, or ſuch who in their abſence they permit to ſign things to the Farmers Agent in writing,

writing, and ſo of any other they ſhall permit or appoint for that purpoſe, and that the ſaid Six Clerks or their Deputies attend on all Office-days, to diſpatch buſineſs, from the hours of nine in the Morning till twelve at Noon, and from three of the Clock in the Afternoon till Six in the Evening.

11. That all Decrees and Diſmiſſions be ſigned by the reſpective Six Clerk by whom they ought to be ſigned, and not by their Deputies, but in caſe of ſickneſs, or abſence out of Town of the Six Clerk; and that the Six Clerks or their Deputies, when they ſign any Decree, do at the ſame time write thereon the day of the Month, and the year when they do the ſame.

Shaftsbury, Ch.

Mercurij 22 die Julij Anno Regni, *Caroli* II. Regis 26. 1674.

Touching Recognizances. *Ordo Curiæ.*

Concer' Irrotulament' Recogn' capt' in Cancellaria.

WHereas on Complaint made this day to the Right Honourable the Lord Keeper, *&c.* that a Recognizance acknowledged in this Court the 17th of *Jan.* 1653. of 1000 *l.* for

for payment of 507 *l.* 10 *s.* the 6th of *March* then next, was not inrolled till the 1st day of *July* 1666. and that by an Administrator, whereby all the Lands, and Tenements of the Cognizor, at the time of entring into such Recognizance, and charged in the hands of a Purchasor near thirteen years after. And his Lordship being informed, that several Recognizances, as well as this, have in ancient times, as well as lately, have been inrolled, though long after the time, by Warrant from the Master of the Rolls for the time being, without prejudice to all Purchasors, between the time such Recognizance ought to be inrolled, and the time of the actual inrolment thereof. Yet notwithstanding his Lordship taking into consideration the evil and dangerous consequences that may happen and arise to the Subject, by suffering Recognizances to be inrolled long after the time of acknowledgment thereof. And withall considering, that although there be no certain time appointed by Law for the inrolment of such Recognizances, as are acknowledged according to the course of the Common Law; yet all other Courts have appointed the inrolment of such Recognizances as be acknowledged there, to be before the

next

next continuance day, or at the fartheſt, before the end of the Term following. Doth think the uſual time of a year and a day, heretofore allowed by this Court for ſuch inrolment, to be much too long. And therefore in conformity to other Courts as near as may be, but chiefly to the High Court of Parliament, and in imitation of that Proviſion which is made by the Statute made in the 27th year of the Reign of Queen *Elizabeth*, whereby it is enacted, That no Recognizance in the nature of a Statute Staple, ſhall bind any Purchaſor, unleſs the ſame be inrolled within ſix Months after the acknowledgment thereof: Doth hereby declare and order, That for the future no Recognizance, which after the firſt day of *September* next enſuing, ſhall be acknowledged in this Court, of what Nature or Kind ſoever, ſhall be inrolled in this Court, unleſs ſuch inrolment be within the ſpace of ſix Months after the acknowledgment thereof. And that all Officers and Miniſters of the Court do for the future obſerve and take care, that no ſuch Recognizance be inrolled in the ſaid Court, contrary to this preſent Order; and all Recognizances heretofore acknowledged in this Court, and not already inrolled, ſhall be inrolled within the ſpace of

Recognizances to be inrolled within 6 months after acknowledgment.

of six Months after the 23th day of *October* next, and shall not be received nor inrolled after that time; and because there may be special circumstances, wherein it may be fit to dispense with these Rules, no Recognizance shall ever be inrolled after the time prescribed be elapsed, without motion in open Court, to the end that the Conusor, and all Purchasers, and Tertenants may have due notice, and the Court may by Special Order, and consent of the Party paying such inrolment out of due time provided for the indemnity of such Purchasers as may be otherwise prejudiced thereby; and that all persons concerned may take notice of this Order, Copies hereof are to be set up and fixed in the several Offices of the Court concerned herein.

Except by Motion in open Court.

Mer-

Mercurij 4 die Novembris Anno Regni *Caroli* II. Regis 26. 1674.

Touching Contempts. *Ordo Curiæ.*

UPon Complaint made to the Right Honourable the Lord Keeper, *&c.* by the Serjeant at Arms attending the Great Seal, that after Contempts are profecuted to a Serjeant at Arms, and a Commitment pronounced, the Profecutors will draw up the Order, and never take forth a Warrant thereon, but make uſe thereof to force the party profecuted into ſome Compoſition, ſometime for the whole Matter in difference, but uſually for the diſcharge of the Contempts, whereby the Serjeants Imployment is rendred in great part ineffectual; for prevention whereof his Lordſhip doth thereupon Order, That after any Order for a Serjeant at Arms ſhall be granted by the Court, the Regiſter ſhall on requeſt draw up the ſaid Order, and deliver the ſame to the Serjeant at Arms or his Deputy, and no other perſon, they paying for the ſame, by which means he ſhall or may endeavour to apprehend the Party profecuted, and bring him into this Court to anſwer the ſecond Con-

Vide infra 13 *Julij* 85. 17 *Maij*, 1 *Jac.* 2.

After any Order for a Serjeant at Arms ſhall be granted, the Regiſter ſhall draw up the ſame, and deliver the ſame to the Serjeant, and no other.

The said Order not to be discharged, nor the Contempt thereupon without the Serjeants Fees be paid, and Certificate under his hand testifying the same.

Contempt if he can; but if he cannot, his Lordship doth further order, That no Order for a Serjeant at Arms drawn up, and past by the Register, be discharged, and the Contempt thereupon, without the Serjeants Fees be paid to him, and a Certificate under his Hand testifying the same; and after the said Order being so drawn up, and past as aforesaid, no private or other agreement shall be made between the Party or Parties, or the Person or Persons so standing in Contempt as aforesaid, or any other person there, or any on their behalfs, without such satisfaction shall be made, and a Certificate of the same shall appear to Court.

Veneris 18 die Decembris Anno Regni *Caroli* II. Regis 26. 1674.

Ordo Curiæ. Private.

. . .

Solicitor committed to the Fleet for an Assault.

UPon Complaint made to the Right Honourable the Lord Keeper, &c. on the behalf of Mr. *Thomas Middleton*, a Clerk in the Register's Office, of an Assault made upon him by one *James Bradley*, a Solicitor, by striking off his Hat, and beating him over the Head and Face with a Staff in the Register's Office, whereby his Head

Head and Face are very much ſwelled and bruiſed; which upon the examination of the matter, his Lordſhip finding it to be done without any cauſe or provocation, ſave the ſaid *Middleton*'s drawing and expediting an Order againſt a Client of the ſaid *Bradleys*, according to the direction of the Court, his Lordſhip reſenting it to be a great abuſe and miſdemeanor againſt the Court, for Officers or Clerks to be thus uſed, eſpecially for diſcharging the Duty of their Imployments; doth order that the ſaid *Bradley*, for this great miſdemeanor, be committed cloſe Priſoner to the Fleet, there to be kept without Pen and Ink, or any acceſs to him from without the Fleet, till further Order to the contrary.

Lunæ 10 die Aprilis Anno Regni *Caroli* II. Regis 28. 1676.

Concerning Quakers. *Ordo Curiæ*

WHereas divers perſons that go under the Name of Quakers, being ſued and ſerved to anſwer Bills in this Court, or ſerved with Proceſs to teſtifie their knowledge in Cauſes here depending, have uſed many deviſes to pre-

prevent the taking of their Oaths to their Anſwers, and procured themſelves to be perſonated by others, and yet their Anſwers have been certified as if they were really ſworn, whereby the Suitors have been hindred from diſcovery of the matter charged on them, and the truth is ſuppreſſed. And in caſe of falſe ſwearing, the Perſons cannot be proceeded againſt according to Law. For the preventing therefore of all abuſes of that nature for the future, the Right Honourable the Lord High Chancellor of *England* doth Order, That ſuch Suitors to this Court, who demand the Anſwer, Examination, or Depoſition of any perſon that goes under the name of, or is reputed a Quaker, he or his Clerk in this Court, ſhall duly inform and leave a Note in writing with the Clerk of the other ſide thereof. And the Clerk for ſuch Defendant, Reſpondent, or the Party on whoſe behalf ſuch Witneſſes is to be examined, ſhall take care that two days notice in writing as aforeſaid, be given to the Plaintiffs Clerk of the place of abode, the time when, and before what Maſter ſuch perſon ſhall be ſworn, either to his Anſwer or Plea, or to any Interrogatories, in order to take his Depoſition or Examination in this Court, to

Two days notice in writing of the perſons abode and time, and before whom the Defendant is to be ſworn.

to the end that ſome perſon may if they think fit, be preſent and receive ſatisfaction, that the party is duly and regularly ſworn, and is the ſame perſon intended for the Defendants Reſpondent or Witneſs; and that every Defendant ſhall ſubſcribe his Name or Mark to his reſpective Plea or Anſwer, which the ſaid Maſter is to certifie, and alſo in whoſe preſence ſuch Anſwer or Plea was ſworn; and in caſe any Defendant or Reſpondent ſhall put in any Anſwer, Plea or Examination, or Witneſſes be examined, without ſuch notice being left as aforeſaid, ſuch Defendants or Reſpondents may be proceeded againſt, as if no Anſwer were put in or Examinations taken, and the Depoſitions of ſuch Witneſs or Witneſſes are to ſtand ſuppreſſed. And the Maſters of this Court are to be very circumſpect, careful and wary in the Adminiſtring of Oaths to all perſons whatſoever, that the ſame be adminiſtred reverently, and according to Law.

Finch, C.

Term'

Term' Paſchæ, . Anno
Regni *Caroli* II. Regis 28. 1676.

Ordo Curiæ. *Touching farther Anſwer.*

WHereas all perſons ſummoned to appear in *propriis perſonis*, and anſwer ſuch Bills as are exhibited againſt them, ought fully to anſwer before they depart. Yet of late Complaints have been made, that Defendants for delay, either put in frivolous Pleas or Demurrers on inſufficient Anſwers; and ſuch Plea or Demurrer being over-ruled, or Anſwer reported inſufficient, new proceſs of *Subpœna* iſſued to make farther Anſwer, and when Defendants had ſtood out Proceſs of Contempt for want of Appearances or Anſwers in time, and have been diſcharged thereof by paying or tender, and refuſal of the Coſts, new Proceſs of Contempt were to iſſue for any ſubſequent fault, which occaſioned not only great delay, but expence and vexation to the Proſecutor, which the Right Honourable the Lord High Chancellor of *England* taking into conſideration, for prevention of the like dilatory proceedings for the time to come, doth order and ordain, That in

in all such cases where the Defendants are to make farther Answers, the Plaintiff shall not be obliged to serve the Defendant with a *Subpœna* to make a better Answer, but shall only be obliged to give a Rule to make a better Answer, if it can be given in Term time, or if not, then to give the Defendants Clerk in Court a Copy of the Order or Report, whereby the Defendant shall be ruled to make such better answer, during the continuance of the publick Seals, before, or after the Term; and if after such Rule or Notice so given, the Defendant do not in eight days put in a perfect answer, or by order or consent of the Clerk on both sides, obtain a Commission to answer, and thereby return a perfect answer at the return thereof, the Process of Contempt shall issue for want thereof; and in case any former Process of Contempt shall have issued against such Defendants for want of appearing, or answering, the Plaintiff may resort back to such Process of Contempt, and proceed thereupon, after such Rule or Notice given as aforesaid, notwithstanding the Costs of such former Process were paid upon the coming in of such insufficient or frivolous Answer, Plea or Demurrer; but when the Defendant hath put in a

The Plaintiff need not serve the Defendant with a *Subpœna* to make a further or better answer, but to give a Rule to the Defendants Clerk, or a copy of the Order.

And if the Defendant do not in eight days put in a perfect Answer, Process of Contempt.

And the Plaintiff may proceed upon any former Process of Contempt, notwithstanding Costs paid.

full Anſwer, ſuch Coſts as he had paid for ſuch former Proceſs, ſhall upon payment of the reſt be deducted and allowed to him.

Finch, C.

Lunæ 3 die Julij Anno Regni *Caroli* II. Regis 28. 1676.

Ordo Curiæ. . . .

Of ſending Records into the Chappel of the Rolls.

IT is this day ordered by the Right Honourable the Lord High Chancellor of *England*, and the Honourable the Maſter of the Rolls, That the Six Clerks of the High Court of Chancery, do forthwith ſend the Inrolments of all Patents, which they, or any of them, or their reſpective Clerks have in their, or any of their Cuſtody, fairly written in Parchment, and carefully examined, into the Petty Bag Office, to be eſtreated, together with the Privy Seals and Warrants for the ſame, and alſo all Decrees, with the Docquets thereof, to the Chappel of the Rolls, to remain there. And that the Clerk of the Inrolments do alſo ſend the Records of all Deeds and Recognizances In-

The inrolments of Patents to be ſent into the Petty Bag to be eſtreated together with the Privy Seals and Patents for the ſame; and the Records of Deeds, &c into the Chappel of the Rolls.

Inrolled, duly examined, to the ſaid Chappel; and that all Records in the Petty Bag Office, after the ſame are eſtreated, be remitted with their Warrants from thence into the Chappel of the Rolls, according to the ancient uſage heretofore, for ſending Records into the ſaid Chappel (*viz.*) the Patents after three years, from the time of their Inrolments, and the Records of Deeds and Recognizances from the Inrolment Office, after two years, from the time of Inrolment, and ſo from year to year for the future. And that ſuch Records as are come into the Chappel, and not fit to be received and continued there by reaſon of their ill Carracter, bad Parchment, Razures or Interlineations, be tranſcribed within the Chappel of the Rolls, at the Charge of the ſaid Six Clerks, and the Clerk of the Inrollments, to which of them the ſaid Records did at firſt properly belong.

The Patents after three years from the time of the Inrolment, and the Records, &c. after two years.

Martis 1 die Januarij Anno Regni *Caroli* II. Regis 29. 1677.

Ordo Curiæ. *Touching hearing Cauſes.*

. . . .

WHereas Complaint hath been made to this Court, as well by the Counſel at the Bar, as others, that there is a great abuſe committed, in not timely publiſhing of Cauſes, Pleas, Demurrers, Exceptions to Reports and the like, that are ordered to be heard, and not ſetting of them up in a Paper in the Regiſters Office in due time, by reaſon whereof the Counſel are many times ſurprized, and cannot be prepared to hear their Clients Cauſes as they ought to be, to the great prejudice of the Suitors, and parties that ſue in this Court for Juſtice: For regulation whereof, it is ordered, That a Note of all Cauſes, Pleas, Demurrers, Exceptions to Reports, and the like, that are ordered to be ſet down for hearing, ſhall hereafter from time to time be affixed, and ſet up by the Regiſters in their Office, two days before the ſame are reſpectively appointed to be heard. And in order hereunto all Clerks, Solicitors and others, are hereby required to bring to the Regiſters

A Note of all Cauſes, Pleas, Demurrers, Exceptions to Reports, &c. to be ſet down for hearing, ſhall be ſet up by the Regiſters in their Office.

gisters Office, in due time, all Orders for setting down of Causes, Pleas, Demurrers, Exceptions to Reports and the like, made upon Petitions or otherwise, that so they may be set up in the Registers Office as aforesaid, otherwise the said Causes, Pleas, Demurrers, Exceptions to Reports and the like, shall respectively be put off from hearing for that time, and shall not come on again to hearing without farther order.

Finch, C.

Veneris 20 die Junij Anno Regni *Caroli* II. Regis 31. 1679.

Touching filing Exceptions to Reports. *Ordo Curiæ.*

IT is this day ordered by the Right Honourable the Lord High Chancellor, that from this day no Exceptions whatsoever shall be received by, or filed with the Register, to Reports touching the sufficiency or insufficiency of any Defendants Answer, unless such Exceptions shall be brought and filed, and notice thereof given to the Clerk in Court of the other side. And it is farther ordered, That this Order be

No Exception to Reports touching the sufficiency or insufficiency of Answers, shall be filed in the Registers Office, unless notice given to the Clerk on the other side.

be ſet up and affixed in the publick Offices of the Six Clerks and Regiſters, to the end that all perſons concerned may take notice thereof, and act accordingly.

Jovis 25 die Martij Anno Regni *Caroli* II. Regis 32. 1680.

Touching Bankrupts.

Ordo Curiæ. Ex Parte Thomæ Knatchbal Armigeri.

THe Right Honourable the Lord High Chancellor of *England*, being now attended by Mr. *Mathew Petley* and his Counſel, in the matter of the pretended Office of Regiſter upon all Commiſſions of Bankrupts within the City of *London*, and Places adjacent, which pretended Office hath formerly been, and now is claimed by the ſaid Mr. *Mathew Petley*, under colour of ſome Patent granted by His Majeſty; and ſeveral perſons who have been uſually concerned as Commiſſioners in Execution of ſuch Commiſſions, now alſo attending with their Counſel, ſeveral Objections were made againſt the validity of the Grant or Patent,

Patent, under which the ſaid Mr. *Petley* claimed. And that upon a former debate it had been by his Lordſhip, upon ſeverel Complaints and Petitions on that occaſion declared, that it would be a very great burthen on the Subject: His Lordſhip on hearing what was inſiſted on by all Parties, declared, That although he ſaw no cauſe to give any countenance at all, as to the eſtabliſhment of any ſuch Office of Regiſter, as the ſaid Mr. *Petley* claimed by vertue of the ſaid Patent: Neverthelſs in regard many Complaints and Petitions have been frequently made, and preſented to his Lordſhip, occaſioned by the ill management of Commiſſions of Bankrupts, in and about the City of *London* and *Weſtminſter*, and the Counties adjacent, and more particularly of the loſing and miſlaying of ſuch Commiſſions, and Depoſitions, and Orders thereupon taken, whereby great loſs and prejudice hath hapned to the Subject: His Lordſhip thought it neceſſary and convenient, That ſome perſon ſhould be appointed to attend the ſaid Commiſſioners, either by himſelf, or his ſufficient Deputy or Deputies in that behalf, and ſhould have the Cuſtody of ſuch Commiſſions and Proceedings, as ſhould be had before the ſaid

Commiſſioners, and ſee them to be ſafely kept in ſome publick or convenient place, whereof all perſons may have notice, to the end ſuch Creditors as are concerned in the taking out, and proſecution of ſuch Commiſſions, may reſort thither as occaſion requires. And the Commiſſioners and Creditors now preſent, together with their Counſel acknowledging, that it is moſt neceſſary for the ſafety of both the Commiſſions and Orders, and alſo for the Bankrupts themſelves and their Creditors, that the Cuſtody of ſuch Commiſſions and Proceedings ſhould be put in ſome ſafe and ſecure hands: His Lordſhip is thereupon pleaſed to order, and doth hereby order, That Mr. *Tho. Knachball* ſhall be, and is hereby ordered and appointed to have the inſpection by himſelf, or his ſufficient Deputies, from time to time, of all the Commiſſions of Bankrupts, and Proceedings thereupon, that ſhall at any time or times hereafter be taken out againſt any Bankrupts within the City of *London* and *Weſtminſter*, and places adjacent within the Weekly Bills of Mortality as alſo of all, ſuch Commiſſions as ſhall be taken out againſt any perſon or perſons becoming Bankruptor Bankrupts, within the ad-

adjacent Counties hereafter mentioned, that is to say, within the Counties of *Middlesex*, *Essex*, *Hartfordshire*, *Surry*, *Sussex*, *Buckinghamshire*, *Berkshire* and *Kent*, to the end he may upon any Complaints or occasion, be the better enabled to inform his Lordship of the true state of the Matters, whereof any Complaints shall, or may happen to be hereafter made. And also that he, or his sufficient Deputy or Deputies shall have the keeping of all such Commissions and Depositions, and other Orders and Proceedings thereupon, that the same may at all times be produced, and that the person concerned may have free resort thereunto as occasion shall require.

A Register of all Commissions of Bankrupts in *London*, *Middlesex*, *Essex*, *Hartfordshire*, *Kent*, *Surry*, &c.

Finch, C.

Lunæ 29 die Octobris Anno Regni *Caroli* II. Regis 35. 1683.

Concerning Orders touching Accounts. Ordo Curiæ.

THe Right Honourable the Lord Keeper, *&c.* taking into his most serious Consideration, the delays and great expences that doth happen to Suitors by Exceptions taken to Ma-

A Master to whom an Account is referred, upon the hearing of the Cause, when he hath prepared the Report, shall send out a Summons that both Parties shall attend him to peruse or take a Copy of it.

And if the Party be dissatisfied, within 4 days to bring in a Note of Exception, and to be heard, and then the Master to settle his Report.

sters Report made in pursuance of Orders upon hearing, and especially such whereby Accounts are directed to be taken, which his Lordship conceives might in a great measure be prevented, if the Master were informed of the Matter of such Exceptions, before the signing and allowing of the said Report. His Lordship doth therefore order, That every Master of this Court, to whom any Accounts is referred, or other Matter by any Order, upon the hearing of the Causes when he hath fully heard both parties, and prepared his Report, shall at the request of either party, give out a Summons, that both parties, or some for them shall again attend him, who shall have liberty to peruse such his Report, or take a Copy thereof. And that such person that is dissatisfied therewith, do in four days, next after such attendance, bring in a Note in Writing of their Exceptions thereto, and take out a Summons to be heard thereupon, and then the said Master is to settle and finish his Report, as he shall find Just. And it is further orderd, That when upon hearing of Exceptions, it shall appear to the Court, that the party excepting did not offer his Objections before the Master, because he de-

depended upon his Appeal to the Court, and ſought delay. In ſuch Caſe though the Exception ſhall be allowed, yet the party for his neglect, and occaſioning trouble to the Court, and charge, and delay to his Adverſary, ſhall pay ſuch Coſts as the Court ſhall think reaſonable. And it is further ordered, That where by Special Order the Court ſhall admit Exceptions to any Report, whereby Mony is reported due, after the time wherein ſuch Exceptions ſhould regularly have been filed, no proceedings upon ſuch Report ſhall be ſtaid without giving ſecurity, or bringing the Mony reported due into the Court, unleſs the Court ſhal provide otherwiſe by particular Order.

The Party neglecting to pay Coſts.

If Mony be reported due after the time wherein ſuch Exceptions ſhould have been filed, no proceeding ſhall be ſtaid without bringing the Mony into Court, or giving ſecurity.

Gilford, C. S.

Sub-

Sabbati 9 die Maij Anno Regni *Jacobi* II. Regis 1. 1685.

Ordo Curiæ. *Touching Witneſſes Examined.*

IT is this day ordered by the Right Honourable the Lord Keeper, *&c.* That when any Witneſs ſhall be brought to any Clerk in Court to be ſhewed, before he be examined, the party that produceth him, ſhall not only have a Note in writing of the Name and Title of ſuch Witneſs, and Pariſh where he lives: But if ſuch Pariſh ſhall happen to be any of the Pariſhes within the Bills of Mortality, ſuch Note ſhall alſo contain what Street and Houſe in ſuch Pariſh ſuch party lives, and whether he be a Houſekeeper or Lodger, to the end ſuch Witneſs may with more eaſe be enquired after, and croſs-examined if required; and the Clerks are to take care to ſee this Order performed.

The Clerk that ſhews a Witneſs, ought to have a Note of his Abode and Lodging.

Lunæ

Lunæ 13 die Julij Anno Regni *Jacobi* II. Regis 1. 1685.

Touching Clerks.

Ordo Curiæ.

IT is this day ordered by the Right Honourable the Lord Keeper, *&c.* That no agrement that ſhall hereafter be made between any of the Clerks or Solicitors in this Court, relating to any of their Clients Cauſes, ſhall be of any avail, unleſs ſuch Agreement, or ſome Note or Memorial thereof be put into writing, and ſubſcribed by the party that is to be bound thereby.

Agreement between any Clerks and Solicitors to be put in writing.

Lunæ 13 die Julij Anno Regni *Jacobi* II. Regis 1. 1685.

Touching Serjeant at Arms.

Ordo Curiæ.

WHereas Complaint was made to the Right Honourable the late Lord Chancellor *Finch* by the Serjeant at Arms, attending the Great Seal, that after Contempts were proſecuted to a Serjeant at Arms, and a Commitment pronounced, the Proſecutor would draw up the Order, and never take out the Warrant thereon, but make uſe thereof to force the party pro-

Vide ſupra 13 *Julij* 85. 4 *Nov.* 74. *Vide infra* 19 *Maij* 1 *Jac.* 2.

proſecuted into ſome Compoſition, ſometimes for the whole Matter in difference, but uſually for the diſcharge of the Contempts, whereby the Serjeants Imployment was rendred in great part ineffectual. For the prevention whereof his Lordſhip did thereupon order, That after an Order for a Serjeant at Arms ſhould be granted by the Court, the Regiſter ſhould on requeſt draw up the ſaid Order, and deliver the ſame to the Serjeant at Arms or his Deputy, and no other perſon, they paying for the ſame, by which means he ſhould, or might endeavour to apprehend the Party proſecuted, and bring him into the Court to anſwer the Contempts if he could; but if he could not, his Lordſhip doth further order, that no Order for a Serjeant at Arms drawn up, and paſt by the Regiſter, ſhould be diſcharged the Contempts thereupon, without the Serjeants Fees be paid to him, and a Certificate made under his Hand teſtifying the ſame; and after the ſaid Order being ſo drawn up and paſt as aforeſaid, no private or other Agreement ſhould be made between the Party or Parties, and the Perſon or Perſons ſo ſtanding in Contempt as aforeſaid, or any other perſon on their, or any of their behalfs, with-

No Order or Contempts thereupon to be diſcharged, unleſs the Serjeants Fees be paid.

without ſuch ſatisfaction ſhould be made, and a Certificate of the ſame ſhould appear to the Court: Now upon Information made to the Right Honourable the Lord Keeper of the Great Seal of *England* by the Serjeant at Arms, that the ſaid Order had not been duly obſerved, to his great loſs and prejudice, His Lordſhip doth order, that the ſaid Order be revived, and that all perſons concerned do take notice thereof, and yield obedience thereto accordingly.

Lunæ 26 die Octobris Anno Regni *Jacobi* II. Regis 1. 1685.

Touching Affidavit of Witneſſes. *Ordo Curiæ.*

IT is this day ordered by the Right Honourable the Lord High Chancellor of *England*, That where any perſon, Plaintiff or Defendant ſhall ground any Motion or Petition on an *Affidavit* of material Witneſſes to examin, whereby to gain longer time to examine, ſuch *Affidavit* ſhall not only contain the Names of the chiefeſt of ſuch Witneſſes, but the points on which ſuch Witneſſes are deſired to be examined, to the end the Court may ſee whether ſuch points be material to be

In Affidavit of material Witneſſes to examin the names of the chiefeſt Witneſſes, and the material points on which they are to be examined, to be inſerted.

be examined, and whether before or after the hearing, that all delays heretofore occasioned by unnecessary examination may be avoided for the future.

Mercurij 12 die Maij Anno Regni *Jacobi* II. Regis 2. 1686.

Ordo Curiæ. *Touching Rehearing.*

. . .

No Rehearing to be granted, without depositing 5 *l.* into the hands of the Register.

IT is this day ordered by the Right Honourable the Lord High Chancellor, *&c.* That no Rehearing or Appeal shall for the future be granted, but the party appealing shall deposite in the hands of the Register the sum of 5 *l.* to recompence the other party in Costs, on such Rehearing he shall not be relieved; and when any Rehearing is granted, such Rehearing shall not any way stop or hinder any proceedings on the Order or Decree appealed from, without special Order of this Court, but the party in possession of any Order, shall be at liberty to proceed thereon, as if no Appeal or Rehearing was granted.

Decree appealed from.

Veneris

Veneris 30 die Aprilis Anno Regni *Jacobi* II. Regis 2. 1686.

Touching Exceptions to Reports.

Ordo Curiæ. Revived.

WHereas by an Order of the 12th of *February*, 22 *Car.* II. It is ordered that every perſon that ſhould put in Exceptions to a Maſters Report, ſhould beſides the 40*s.* depoſited upon exhibiting the ſame, pay 10*s.* further Coſts for every Exception, and diſtinct branch of an Exception, which ſhould upon the hearing thereof be over-ruled: Which ſaid Order having not of late been obſerved, and the Right Honourable the Lord High Chancellor of *England* taking notice of the trouble and loſs of time to the Court, and expence and delay to the Suitors, occaſioned by putting in Exceptions to Maſters Reports, many of which do prove frivolous and vexatious, doth for prevention thereof declare and order, That the ſaid Order of the 22th of *February* aforeſaid, be revived and duly obſerved, and doth further Order, That for the future, where any Plaintiff or Plaintiffs ſhall take Exceptions to a Defendants Anſwer, and ſhall appeal to the Court for their Judg-

Vide ſupra 20 *junij* 1675.

10*s.* to be paid for every Exception to a Maſters Report over-ruled.

The like as to Exceptions to an Anſwer appealed from the Maſter.

Judgment thereon from the Report of any Master, such Plaintiff or Plaintiffs shall pay 10*s.* for every Exception or distinct branch of an Exception, which upon the hearing thereof shall be likewise over-ruled as frivolous, beyond the Costs, which by the course of the Court, he or they are to pay.

Veneris 18 die Junij Anno Regni *Jacobi* II. Regis 2. 1686.

Ordo Curiæ. *Touching Hearing.*

. . .

IT is this present day ordered by the Honourable the Master of the Rolls, That for the future, when any Cause or Causes shall come to be heard before his Honour at the Rolls, the Clerk in Court on either side shall attend such hearing, to the end that his Honour may be informed, if occasion require, that such Cause or Causes are ready for his Honours Judgment, and that the party or parties for whom they are concerned do appear to hear Judgment *gratis*, or that they were regularly served with Process for that purpose, as the Case shall require.

The Clerks in Court on either side to attend the hearing.

Mercurij 9 die Junij Anno Regni *Jacobi* II. Regis 2. 1686.

The Transacting of Records into the Chappel of the Rolls. *Ordo Curiæ.* Revived.

WHereas by an Order of this Court of 3d of *July*, 28 *Car.* 2. *nuper Regis*, It was ordered, That the Six Clerks of this Court ſhould forthwith ſend the Inrolments of all Patents which they, or any of them, or their reſpective Clerks then had in their, or any of their Cuſtodies, fairly written in Parchment, and carefully examined, into the Petty Bag Office to be Eſtreated, together with the Privy Seals and Warrants of the ſame; and alſo all Decrees, with the Docquets thereof, to the Chappel of the Rolls, to remain there; and that the Clerk of the Inrolments ſhould alſo ſend the Records of all Deeds and Recognizances, duly examined, to the ſaid Chappel, and that all Records in the Petty Bag Office, after the ſame were Eſtreated, be remitted with their Warrants from thence into the Chappel of the Rolls, according to the ancient uſage heretofore for ſending Records into the ſaid Chappel, *viz.* the Patents after three years

Vide 3 *Julij* 1676.

The inrolments of Patents to be ſent into the Petty Bag to be Eſtreated with the Privy Seals, and the Records of Deeds into the Chappel of the Rolls.

years from the time of their Inrolment, and the Records of Deeds and Recognizances from the Inrolment Office, after two years from the time of Inrolment, and ſo from year to year for the future; and that ſuch Records as were come into the Chappel, and not fit to be received and continued there by reaſon of their ill Character, bad Parchment, Razures or interlineations, be tranſcribed within the Chappel of the Rolls, at the charge of the ſaid Six Clerks, and the Clerk of the Inrolments, to which of them the ſaid Records did at firſt properly belong; which Order having not of late been duly obſerved, by reaſon whereof great inconveniences may happen to ariſe to the Suitors of this Court in their particular concerns: As alſo to divers others of his Majeſty's Subjects, concerned in the Records in the ſaid reſpective Offices; the Right Honourable the Lord High Chancellor of *England*, and the Honourable the Maſter of the Rolls taking notice thereof, and of the great neglects that have been done by the reſpective Officers of the particular Offices, in not tranſmitting the Inrolments of Patents, and Decrees, and Docquets, Records, Deeds and Recognizances, according to the Di-

The Patents after 3 years from the time of the Inrolment, and the Records after 2 years.

Direction and Intent of the ſaid Order, do therefore order, That the ſaid Order be revived, and a due performance and obedience given thereto by the reſpective Officers concerned in their reſpective Offices and Places they now are, or ſhall be concerned in relation to any of the Matters of this Order.

Veneris 6 die Aprilis Anno Regni *Jacobi* II. Regis 3. 1687.

Touching Decrees. *Ordo Curiæ.*

WHereas for the preventing of differences that did ariſe upon Decrees and Orders pronounced in open Court, the Right Honourable the Lord High Chancellor, *&c.* hath from time to time cauſed all Minutes to be read in open Court, that the Counſel at the Bar, and other perſons concerned might take notice of what did concern their reſpective Clients, and ſpeak for the rectifying thereof, or adding thereto, as occaſion offered, whilſt the Matters were freſh in the memory of the Court, and have ſeveral times given directions, that afterwards none ſhould

Minutes of Decrees and Order to be read in open Court.

ſhould preſume either to petition or move the Court, complaining againſt any Order agreeing with the Minutes, except the Minutes ſhould after the reading thereof be altered, or the Regiſter ſhall fail in doing his duty perſuant thereto without conſent; and yet without due regard thereto, ſeveral Petitions have been ſince cauſeleſly preferred. His Lordſhip doth therefore this day order, That due obſervation be given to the parties concerned, when any Minutes are read in Court, to the end that no further Complaints may be made againſt the Officer, or the Minutes by him taken in Court, except as aforeſaid; and to the end no perſon may plead ignorance hereof, his Lordſhip doth direct, That this Order be fixed up in the Offices of the Six Clerks and Regiſter of this Court, that all due obedience may be given thereto.

Veneris

Veneris 29 die Aprilis Anno Regni *Jacobi* II. Regis 3. 1687.

An Examiner ſuſpended. *Ordo Curiæ.*

IT is this day ordered by the Right Honourable the Lord High Chancellor, *&c.* That *Richard Burreſton*, one of the Examiners Clerks in the Office of *William Adderly*, Eſq; one of the Examiners of this Court, (for that the ſaid *Richard Burreſton* did intruſt one *Philips*, who is no ſworn Clerk of the ſaid Office to tranſcribe part of the Depoſitions of a Witneſs examined by the ſaid *Burreſton*, in a Cauſe now depending in this Court, wherein one *Woollaſton* is Plaintiff, and *Winford* Defendant, before the ſaid Witneſs had perfected his Examination or Publication paſt in the Cauſe) be ſuſpended from any further Imployment in the ſaid Office, till further Order.

One of the Examiners of the Court ſuſpended.

Veneris

Lord Chancellor.

Veneris 29 die Aprilis Anno Regni *Jacobi* II. Regis 3. 1687.

Ordo Curiæ. *Touching Interrogatories.*

WHereas by Experience, great inconveniences have hapned in ſeveral Cauſes, by the exhibiting Interrogatories, which are impertinently drawn into great length, whereby the Suitors have been put to great and unneceſſary Charges, as alſo leading Interrogatories, whereby the Witneſſes, by turning the Negative into the Affirmative, are led to ſwear to the whole Contents of an Interrogatory, and oftentimes thereby drawn ignorantly to forſwear themſelves, which in all times have been ſuppreſſed and deemed great abuſes. Now for prevention thereof for the future, it is this day ordered by the Right Honourable the Lord High Chancellor, *&c.* That from, and after the firſt day of *June* next, no Interrogatories ſhall be exhibited for the examination of any Witneſſes in any Cauſe depending in this Court, whether in Court, in the Examinors Office, or by Commiſſion in the Country,

try, before ſuch Interrogatories ſhall be either drawn, or peruſed by Counſel (after due conſideration had of the Pleadings) and ſigned by them. But all Counſel are to take care, that no Interrogatories do ſlightly paſs their hands, contrary to the true intent and meaning thereof, leſt they incur the diſpleaſure of the Court therein; and that all Depoſitions taken contrary hereto, ſhall ſtand ſuppreſſed; and to that end, all the Clerks and Solicitors of this Court that are concerned in Cauſes, may not be ignorant hereof, his Lordſhip doth further order, That this Order be ſet up and fixed in ſome publick places in the Offices of the Six Clerks, and Examinors of this Court, that all due obedience may be given thereto.

Interrogatories to examine Wineſſes to be ſigned by Counſel.

Veneris 27 die Maij, Anno Regni *Jacobi* II. Regis 3. 1687.

Touching Orders on Petitions. *Ordo Curiæ.*

IT is this day ordered by the Right Honourable the Lord High Chancellor, *&c.* That from, and after this day, no Order or Direction made, or given by his Lordſhip, or the Honourable Maſter of the Rolls, upon any

An Order made upon a Petition to be of no Effect to ground *Subpœna's*, or other Proceſs, unleſs within 3 days in Term time, or within a Week in the Vacation after the ſame ſhall be granted, an Order be entred up with the Regiſter on ſuch Petition.

Petition (unleſs the ſame be by way of Summons) ſhall be of any authority or effect, as to the Proceedings or grounding *Subpœna's*, or other Proceſs in any Cauſe now depending, or which ſhall hereafter be depending in this Court, unleſs within three days in Term time, or in a Week in the Vacation after, the ſame ſhall be granted and ſigned by his Lordſhip or his Honour, an Order ſhall be drawn up and entred with the Regiſter on ſuch Petition, to the end no perſon may be ſurprized by any Private Order, but that all parties concerned may have reſort, at all times, to ſee what Orders are from time to time made and granted, wherein they are concerned; and that no perſon may be ignorant thereof, it is further ordered, That this Order be ſet up in the Publick Offices of the Court concerned therein, that all due obedience may be given thereto.

Veneris

Veneris 17 die Junij, Anno Regni *Jacobi* II. Regis 3. 1687.

Surrender of a Six Clerk to the Master of the Rolls. *Ordo Curiæ.*

WHereas *Arnold Brown*, Esq; late one of the Six Clerks of this Court, hath surrendred his Office of Six Clerk in this Court, into the hands of me, the Master of the Rolls, whereby the said Office is become vacant; and forasmuch as the business in agitation, and to be transacted in that Office for the benefit of the King's People, Suitors in this Court, is not to be delayed or obstructed for want of a fit person to manage the said Office in the vacancy of a Six Clerk; and whereas I have this present 17th day of *June* 1687. under my Hand and Seal, deputed and appointed the said *Arnold Browne* to Act, Agitate, Negotiate and Proceed in the business of that Office in my Name; and as my Deputy only, during my pleasure, and have further authorized and impowred him the said *Arnold Browne* so to do and act, and to write to the Great Seal, in my Name only, and not in the Name of him the said *Arnold Browne*, and to enter and sign all Proceedings, Certificates,

cates, Copies, and other things belonging to the Execution of the said Office, in the Name of the said *Arnold Browne*, but with the additions of Deputy to me Master of the Rolls, to wit (*Arnold Browne*, Deputy *Magr' Rotulor'*) as to take and receive the Profits thereof, as by the said Deputation, inrolled in this Court, may and doth appear, for the due Execution of which said Deputation, the said *Arnold Browne* hath been duly sworn, his Honour doth hereby order, direct and appoint the several respective sworn Clerks of the said Office, within or belonging to the Division, late of the said *Arnold Browne*, late Six Clerk, to apply themselves to the said *Arnold Browne*, as my Deputy, as aforesaid, for the Dispatch of the Business of that Division, and to pay all such Duties and Fees to his said Deputy *Arnold Browne* as are due, appertaining, and accustomed to be paid to the Six Clerk of that Division, and to do, and perform all other Acts, as the respective sworn Clerk in Chancery ought to do to their respective Six Clerks; and to the end that no sworn Clerk, or other persons concerned may be ignorant of this Matter, his Honour doth order, that this Order be entred with the Register

Arnold Browne on the surrendring his Office as Six Clerk, deputed to act during the vacancy.

giſter of this Court, and put up in the Office of Six Clerks.

J. Trevor.

Mercurij 29 die Februar', Anno Regni *Jacobi* II. Regis 4. 1688.

Touching Miſdemeanors. *Ordo Curiæ.*

WHereas divers Complaints have of late been made the to Honourable the Maſter of the Rolls, of the outragious, rude and undecent Demeanors of divers of the younger Clerks, Servants and Writers, to and for the ſworn Clerk in the ſaid Six Clerk Office, to the great ſcandal of this Court, and hindrance of buſineſs, which hath been moſt notorious, by their throwing Durt, Filth, Ink, and many other things, to the damage and prejudice of the Suitors of this Court, and Maſters in the ſaid Office, and at other times by a rude and violent clapping their Desks, and making many loud Outcrys and Noiſes, and by evil treating their Maſters in the ſaid Office with opprobrious Language. All which his Honour having taken into conſideration, it is for the preventing the like

Penalty on thoſe that miſdemean themſelves in the Office.

Enormities for the future ordered, That the Meſſenger attending the Rolls, do take ſuch Servants, Clerk or Writer into Cuſtody (and by him to be carried to *Bridewell*) as ſhall at any time or times hereafter be guilty of either of the ſaid Enormities, or any other of the like nature, and there ſhall continue till further order, and for the ſecond offence ſhall be expelled the ſaid Office; and that due notice be given hereof, and that all perſons may take warning, this preſent Order is forthwith to be ſet up in the Six Clerks Office.

Martis 20 die Martij, Anno Regni *Jacobi* II. Regis 4. 1688.

An Ordinance.

Touching Regulating the Under-Clerks.

Vide ſupra 18 *Junij* 20 *Car.* 2.

WHereas by a Decree heretofore made by the Right Honourable the Lord Keeper, &c. and the Honourable the Maſter of the Rolls, bearing date the 18th day of *June*, in the 20th year of the Reign of his late Majeſty King *Charles* the Second of bleſſed memory, for the better regulating the Six Clerks Office; it was amongſt other

other things Ordered, Ordained and Decreed, That the Number of the Under-Clerks to be allowed and admitted to practiſe as Clerks of this Court in the ſaid Six Clerks Office, ſhould be reduced and ſtinted to Sixty Clerks, and no more, at which number the ſaid Under-Clerks ſhould be continued, unleſs this Court ſhould find it neceſſary to increaſe or abridge the ſame; and further, that as well the Under-Clerks, then to be admitted, as every other perſon thereafter to be admitted to the place of an Under-Clerk in the ſaid Office, ſhould be in the Judgment of the Maſter of the Rolls, fitly qualified for ſuch Imployment, at or before the time of ſuch his admiſſion, and alſo before his and their entrance upon that Imployment, ſhould take the Oath thereby directed, for his honeſt and faithful behaviour, and true dealing with, and towards the Records, Rolls, Pleadings, Books and Writings of this Court, and the other due performance of his place. And it was thereby further Ordered, Ordained and Decreed, That no perſon upon any pretence whatſoever, ſhould hereafter be permitted to practiſe as an Under-Clerk in the ſaid Office, but ſuch only as ſhould be firſt ſworn, and admitted

mitted as aforeſaid. And whereas for want of obſervance, and due obedience to the ſaid Decree, and other Orders made in perſuance thereof, manifold diſorders, and undue practices have crept into the ſaid Six Clerks Office, amongſt the Six Clerks, and the ſworn Clerks, and eſpecially by a liberty that the Six Clerks of this Court have aſſumed, and continued to themſelves, againſt the expreſs words of the ſaid Decree, the Duty of their places, and in Contempt of this Court, to allow, permit and licenſe ſeveral perſons to practiſe in the ſaid Office, without being either allowed, ſworn or admitted by the Maſter of the Rolls, as the ſworn Under Clerks of this Court are, and of right ought to be, to the confuſion, miſlaying, imbezling, falſifying, razing and defacing, and ſometimes to the loſs of the Records, Rolls, Pleadings, Books and Writings of this Court: And alſo that the ſworn Clerks of this Court have retained more Under-Clerks than one apiece, and have diſcharged and turned them off from their Service before they are preferred, to the undoing, and utter ruin of many, and to the diſcouragement of the training up and breeding of induſtrious and diligent

gent Young Clerks to ſerve and ſucceed in the ſaid Office, which this Court hath always taken care of, and contrary to an Order for that purpoſe made by the Right Honourable Sir *Harbottle Grimſtone*, late Maſter of the Rolls: All which Abuſes, Irregularities and Diſorders tend manifeſtly to the obſtruction of Juſtice, and the orderly proceedings and diſpatch thereof, to the great ſcandal and diſhonour of this High and Honourable Court, and the irreparable damage to the King and Subject if not prevented, the Right Honourable *George* Lord *Jeffreys*, Lord Chancellor of *England*, and the Right Honourable Sir *John Trevor*, Maſter of the Rolls taking the ſame into their ſerious conſideration, and the ways and means for redreſſing and preventing the ſame for the future, do hereby, and by the Authority of the High and Honourable Court of Chancery Order, Ordain, and Decree, That all and every ſuch perſon and perſons, ſo as aforeſaid allowed, permitted or licenſed by the Six Clerks in their ſeveral Diviſions and Offices, called ſupernumerary or Licenciary Clerks, not allowed, ſworn and admitted as Under-Clerks, to practiſe as Clerks of this Court (excepting the two

Supernumerary Clerks (except two waiting Clerks to each Six Clerks) not ſworn, diſcharged from practiſing in the ſaid Office.

waiting Clerks allowed to each Six Clerk) be, and are hereby abſolutely, to all intents and purpoſes diſcharged and inhibited from practiſing in the ſaid Office, and from ſitting and writing in the ſaid Office of Six Clerks, until they ſhall be duly qualified, ſworn and admitted ſo to do: And the ſeveral Six Clerks of this Court are hereby required and commanded forthwith, upon the forfeiture of their reſpective Offices, to diſcharge all ſuch perſon and perſons out of the Office of Six Clerks, from whom as well as from the ſaid ſupernumerary Clerks, this Court doth expect all due and ready obſervance and obedience to this Decree. And to the end that there ſhould not be wanting a convenient and ſufficient number of honeſt, able and expert Under-Clerks for the orderly proceeding, carrying on and quiet diſpatch of the Suitors, and buſineſs of this Court, his Lordſhip the Lord High Chancellor, and his Honour the Maſter of the Rolls do think it very fit and neceſſary, and do thereby Order, Ordain and Decree, That five Under-Clerks, ſuch as his Honour, the Maſter of the Rolls ſhall in his Judgment think able, fitly qualified and allow of, ſhall be forthwith added to the ten ſworn

Five Under-Clerks to be added to ten ſworn Under-Clerks in every Six Clerks Diviſion.

ſworn Under Clerks in every Six Clerks Diviſion, and that each of them ſhall by the Maſter of the Rolls be ſworn, and admitted Clerks of this Court, and to practiſe in the ſame with all the like advantages, paying the like Fees, Dues and Duties, as the now ſworn Under-Clerks of this Court have enjoyed and paid, or ought to have, enjoy and pay, all which number, making fifteen in every Six Clerks Diviſion, the ſworn Under-Clerks of this Court ſhall continue, unleſs this Court ſhall find it neceſſary to reduce, abridge or increaſe the ſame; and from time to time upon any vacancy by Forfeiture, Surrender or Death, ſuch only ſhall be ſworn and admitted by the Maſter of the Rolls into their reſpective places, as his Honour in his Judgment ſhall think fitly qualified, and allowed of for the ſaid Imployment, the nomination of the Six Clerks being only for his Honours information, and the preſence of the Six Clerks at the ſwearing and admittance of an Under-Clerk being only, that he the Six Clerk may take notice of ſuch new Under-Clerk ſo ſworn and admitted: And further, the ſaid Under-Clerks hereby decreed to be ſworn and admitted, are to have ſuch Seats and

Places

Places provided and appointed for them to ſit, write and officiate in, in the Six Clerks Office, as the Maſter of the Rolls ſhall think fit to order and appoint: But no Seat now belonging to any of the ſworn Clerks, ſhall be hereby altered, removed or abridged without his or their conſent. And for the better putting in execution of this Ordinance and Decree, and the encouragement of the Young Clerks, now Servants, or which hereafter ſhall be Clerks Servants, to the ſworn Under-Clerks of this Court; it is hereby Ordered, Ordained and Decreed, That from henceforth none ſhall be permitted to ſit or write, or diſpatch any buſineſs as a Clerk in the ſaid Office of Six Clerks, or have acceſs to, or copy the Records thereof, but only the Six Clerks, and ſworn Under-Clerks, and their Clerks Servants reſpectively, which the Six Clerks and ſworn Under-Clerks of this Court are hereby ſeverally ſtrictly required to perform and keep, upon the peril of the forfeiture of their Places. And it is further Ordained and Decreed, That certain Orders made by the Honourable Sir *Harbottle Grimſtone*, late Maſter of the Rolls, for the better executing of the aforeſaid recited Decree, bearing date the 18th of

None permitted to diſpatch any buſineſs in the Office as a Clerk, or have acceſs to the the Records, but ſworn Clerks and their Servants.

of *June*, in the 29th year of his late Majesty King *Charles* the Second, of blessed memory, for the better regulating the Six Clerks, and for the better encouragement of the Young Clerks, who have, or shall serve the Six Clerks, or sworn Under-Clerks of this Court, be hereby ratified and confirmed, subject to such further additions and alterations as his Honour, the Master of the Rolls shall think fit to alter and make for the better putting in execution this present Ordinance and Decree, and for the true and better preservation of the Records and Pleadings of this Court, wherein the security of the King, and the Justice of this Court is so much concerned; the which to preserve from all frauds and evil practices, is the true aim and end of this present Ordinance and Decree: It is hereby Ordered Ordained and Decreed, That no Master of this Court do deliver, or suffer to be delivered, any Answer or Pleading of this Court to any person or persons other than to a Six Clerk, or to one of the sworn Clerks of this Court, and to no other, and that no Six Clerk of this Court do, upon the peril of his place, deliver any Bill, Answer or Pleadings of this Court, to any

No Master to deliver any Answer or Pleading to any but a Six Clerk, or sworn Under-Clerk.

No Six Clerks to deliver any Bill, Anſwer or Pleading to any perſon, but to a ſworn Clerk, or his waiting Clerk.

any perſon whatſoever, other than to a ſworn Clerk of this Court, or to their reſpective waiting Clerks, for whom they are to be anſwerable; and that no ſworn Clerk of this Court, upon the peril of his place, do deliver to any perſon whatſoever, any Bill, Anſwer or Pleadings of this Court, other than to his reſpective Clerks Servants, for whom he is to anſwer, except by the Order of the Lord Chancellor, Maſter of the Rolls, or of this Court. And laſtly, It is Ordered, Ordained and Decreed, That this preſent Decree ſhall be inrolled in the Judgment Rolls of this Court, to be obſerved for the future, to all intents and purpoſes, according to the tenor and true meaning hereof.

Jeffreys, C.

J. Trevor.

Lords

Lords Commiſſioners.

Martis 16 die Martij, Anno Regni Regis & Reginæ Gulielmi & Mariæ 1. 1689.

Ordo Curiæ Private.

IT hereby ordered, That the ſeveral Matters which have been by former Orders referred to Sir *William Beverſham*, Knight, deceaſed, ſhall either by Motion or Petition (as deſired) be transferred to *Samuel Keck*, Eſq; one of the Maſters of this Court, who is to proceed therein, as the ſaid Sir *William Beverſham* was to have done; and to that purpoſe, it is further ordered, That all the Books, Papers, Deeds, Writings and Accounts that concern the Cauſes ſo referred to the ſaid Sir *William Beverſham*, be tranſmitted to *Samuel Keck*, Eſq; when they ſhall be demanded. Dated this 16th day of *March* 168⅘.

Matters referred to Sir *W. Beverſham* deceaſed to be tranſmitted to Mr. *Keck*.

John Maynard, C. S.
A. Keck, C. S.
W. Rawlinſon, C. S.

Martis

Martis 29 die Julij, Anno Regni Regis & Reginæ Gulielmi & Mariæ 1. 1689.

Ordo Curiæ.

Touching Hearing.

WHereas Cauſes are oftentimes brought to a Hearing, and the Pleadings in a Cauſe do not appear to be filed, whereby the Cauſes are put off, and the Suitors thereby put to great charges and delay; It is this day ordered by the Right Honourable the Lords Commiſſioners, *&c.* That no Motion ſhall be made to haſten a Cauſe to hearing, that is either Adverſary, or by conſent, nor Cauſe entred with the Regiſter for hearing, notwithſtanding any Order, without Certificate firſt had from the Six Clerk, that the Pleadings are filed, for which no Fee is to be taken. And it is further ordered, That all Clerks ſhall enter their Pleas and Demurrers within eight days after filing, according to the ancient Rule, but the ſame are not to be entred without a Certificate firſt had of the filing of the Bill, Plea and Demurrer.

No Motion to ſpeed a Cauſe to hearing without a Certificate from the Six Clerk, that the Pleadings are filed.

All Clerks to enter their Pleas and Demurrers within 8 days after filing, but a Certificate muſt be had of the filing.

Mer-

Mercurij 23 die Octobris, Anno Regni Regis & Reginæ Gulielmi & Mariæ 1. 1689.

Touching Rehearing. *Ordo Curiæ.*

IT is this day ordered by the Right Honourable the Lords Commiſſioners, *&c.* That when any Cauſe ſhall be appointed to be reheard, the party appearing ſhall two days at leaſt before the day appointed for ſuch Rehearing, attend their Lordſhips with a true Copy of the Order or Decree Appealed from, as alſo with a true Copy of the Petition, upon which ſuch Rehearing was granted, that their Lordſhips may upon all Rehearings be apprized of the Order and Decree, and the Objections againſt the ſame.

Two days before the Rehearing, the Party Appealing ſhall attend the Lords Commiſſioners with a Copy or Order of the Decree Appealed from, and a true Copy of a Petition for Rehearing.

Lords

Lords Commiſſioners.

Veneris 17 die Januarij Anno Regni Regis & Reginæ Gulielmi & Mariæ 1. 1689.

Ordo Curiæ Additional. *Touching Exceptions to Maſters Reports.*

Vide ſupra 12 *Feb.* 1670.

WHereas the Right Honourable the late Lord Keeper *Bridgman*, taking notice of the trouble, loſs of time, expence and delay to the Suitors, occaſioned by putting in Exceptions to Maſters Reports, many of which did prove frivolous and vexatious, did by Order of the 12th of *February*, 22 *Car.* 2. for the prevention thereof declare and order, That for the future, every perſon that ſhould put in Exceptions to a Maſters Report, ſhould beſides the 40 *s.* depoſited upon exhibiting the ſame, pay 10 *s.* further Coſts for every Exception or diſtinct Branch of an Exception, which ſhould upon the hearing thereof be over-ruled; and whereas the Right Honourable the Lords Commiſſioners, *&c.* finding the like inconveniences to continue, by reaſon the ſaid Order hath not

20 *s.* Coſts to be paid for every frivolous Exception to a Maſters Report, over and above the 40 *s.* depoſited.

not been duly purſued, do for the preventing thereof for the future, Order, That the ſaid Order made by the ſaid Lord Keeper *Bridgman*, be revived, with this further, That for every frivolous and impertinent Exception, or diſtinct Branch of an Exception, that ſhall from time to time be put into any Report, and ſhall on arguing be overruled as frivolous and impertinent and ſo declared, the Exceptant ſhall for every ſuch Exception, or Branch of ſuch an Exception, pay to the other ſide 20 *s.* Coſts, and for every frivolous Exception, or Branch of an Exception, though not opened, but waved, the Exceptant in ſuch caſe ſhall pay 10 *s.* Coſts; which ſaid 20 *s.* and 10 *s.* are to be paid over and above the 40 *s.* depoſited according to the Rule.

And 10 *s.* for every frivolous Exception that is not opened.

A. Keck, C. S.

W. Rawlinſon, C.S.

Sab-

Sabbati 14 die Maij, Anno Regni Regis & Reginæ Gulielmi & Mariæ 4. 1692.

Ordo Curiæ. Touching Exceptions to Maſters. Reports.

WHereas it hath been by experience found, that Exceptions have been frequently taken to Maſters Reports, which on arguing have appeared very frivolous, tending only for delay, and whereby the Suitors are put to great charges to bring on ſuch dilatory Exceptions; It is this day ordered by the Right Honourable the Lords Commiſſioners, *&c.* That when, and as often as any Party, Plaintiff or Defendant ſhall take and file Exceptions to a Report, made in any Cauſe, either now depending in this Court, or which ſhall hereafter be depending, the Party ſo excepting, ſhall within eight days after ſuch Exceptions filed, procure a fixt day for the ſetting down ſuch Exceptions to be heard, and thereof give due notice to the Clerk in Court for the other Party, or in default thereof ſuch Exceptions ſo filed, ſhall

He who will file Exceptions to a Report, ſhall within 8 days after procure a fixt day for the ſetting down ſuch Exceptions to be heard, and thereof give notice to the other ſide.

shall from, and after the Expiration of the said eight days stand over-ruled, and the Party obtaining such Report, shall be at liberty to proceed thereon as if no Exceptions were ever filed.

Vide infra. This Order suspended 7 *July* 93.

Sabbati 29 die Octobris, Anno Regni Regis & Reginæ Gulielmi & Mariæ 4. 1692.

Touching Filing Reports and Certificates.

Ordo Curiæ.

WHereas it hath been found of late too common a practice for to ground Contempts, Orders and Decrees, and other Proceedings, on Reports of the Masters of this Court, before the same be actually filed with the Register of this Court, where the same ought to be filed, before any proceedings be had thereon. Now for the prevention thereof, and of the inconveniences that may happen to the Suitors by such neglects; It is this present day ordered by the Right Honourable the Lords Commissioners, *&c.* That all Reports and Certificates that shall be made and signed by any of the Masters of this Court, (shall by him that sueth forth, or taketh the same

All Reports or Certificates made or signed by the Masters, to be filed with the Register within 4 days after such signing

ſame from the reſpective Maſters) be filed with the Regiſter of this Court within four days after the making and ſigning thereof, and that the Regiſter, when any Report or Certificate is brought to be filed, ſhall endorſe on the back thereof the day of the receiving and filing ſuch Report and Certificate, and that all Proceedings which ſhall hereafter be grounded on any Report or Certificate, not filed as aforeſaid, ſhall be utterly void and of none effect; and ſuch neglect of filing being made appear to their Lordſhips by the Certificate of the Regiſter, ſhall be good cauſe for the diſcharging of Proceedings thereupon, and alſo for the incurring ſuch further Coſts as their Lordſhips ſhall think fit to inflict on the Party offending contrary hereto; and that for the better and more publick notice of this Order, fair Copies thereof are forthwith to be made, and put up in the Regiſters Office, Maſters Office and Six Clerks Office, for all perſons concerned to take notice thereof

The Regiſter to indorſe on the back thereof the day of receiving and filing it.

Veneris

Veneris 7 die Julij, Anno Regni Regis & Reginæ Gulielmi & Mariæ 5. 1693.

Exceptions to Maſters Report.

Ordo Curiæ.

. . .

WHereas by an Order of the 14th *May* 1692. It was ordered, That the Party excepting to any Report, ſhould within eight days after the filing thereof, procure a fixt day for the hearing thereof, or otherwiſe ſuch Exceptions ſo filed, ſhould be over-ruled, and the other Party ſhould be at liberty to proceed, as if no Exceptions had been filed. Now forasmuch as the ſaid Order, in the execution thereof, hath inſtead of the benefit intended to the Suitor, thereby proved an inconvenience, the Right Honourable the Lord Keeper, *&c.* doth order, That the further execution of the ſaid Order be ſuſpended till further order.

Vide ſupra 14 *Maij* 1692. The ſaid Order of 14 *May* ſuſpended.

Jovis

Jovis 7 Decembris, Anno Regni Regis & Reginæ Gulielmi & Mariæ 5. 1693.

Ordo Curiæ Private.

Touching Clerks Miſbehaviour.

Clerks misbehaving themſelves ordered to attend.

WHereas a Complaint was this day made to the Right Honourable the Maſter of the Rolls of the miſbehavior of ſeveral of the younger Clerks in the Six Clerks Office; it is ordered that Mr. *Watkins*, Mr. *Mutchell*, Mr. *Wright*, Mr. *Raworth*, Mr. *Burroughs*, Mr. *Cook*, Mr. *Conſet*, Mr. *Talbott*, Mr. *Lloyd*, Mr. *Downeing*, and their Clerks, do attend his Honour on *Saturday* next, at three in the Afternoon, at which time Mr. *Wilkinſon*, Mr. *Bagſhawe*, Mr. *Jaques*, Mr. *Bridges*, and Mr. *Derbyſheirs* Clerks are alſo to attend, when ſuch further Order ſhall be made as ſhall be juſt, and that the Meſſenger attending this Court do give notice thereof to the ſaid reſpective perſons.

Sub-

Sabbati 9 die Decembris, Anno Regni Regis & Reginæ Gulielmi & Mariæ 5. 1693.

Touching the Six Clerks, and Under-Clerks.

Ordo Curiæ.

WHereas Complaints have been made by the Petition of the ſworn Clerks of this Court to the Right Honourable the Maſter of the Rolls, that divers of their Under Clerks have of late behaved themſelves after a bold, inſolent, rude and diſorderly manner in the Six Clerks Office, as well towards their reſpective Maſters, as to others the ſworn Clerks, and to the Suitors of the Court, attending the diſpatch of their buſineſs there, by unmannerly and abuſive language, breaking of Windows, cutting Desks, breaking down Seats, throwing Stones and other things at the ſaid ſworn Clerks, and their Clients, whereby, and by making rude and undecent Noyſes, often forced them to leave the ſaid Office, and cauſed the ſame to be ſhut up in the moſt uſual time of buſineſs, and

when the Court hath been ſitting, to the great ſcandal thereof, and damage of the ſaid ſworn Clerks and their Clients, and contrary to the duty of the ſaid Under-Clerks, and the ancient and laudable uſage of the ſaid Office. And whereas Complaint hath been likewiſe made to his Honour by the Petitions of the Under-Clerks, that the Six Clerks do take and imploy perſons to be their waiting Clerks, who have not been Articled Clerks, or ever educated and imployed in the ſaid Office, and that ſeveral of the ſworn Clerks have, and do not only take more than one Articled Clerk, which they by the Rules and Orders of the ſaid Court, for the Government of the ſaid Office ought not to do; but do likewiſe carry the Records out of the ſaid Office, and cauſe the ſame to be copyed at under rates, by perſons out of the Office, rather than to allow to their Under-Clerks their due Fees for Copying thereof: All which proceedings are not only contrary to the ancient Orders and Rules of the ſaid Office, but manifeſtly tend to the diſcouraging of diligence, induſtry and Clerkſhip, and to the introducing of ignorance. All which matters his Honour

nour taking into his ſerious conſideration, and being minded to prevent the like and all other abuſes and diſturbances in the ſaid Office for the future, and for the time to come to keep and reſtrain the ſaid Under-Clerks within ſuch Rules and decent behaviour towards all, and every the ſworn Clerks of the ſaid Office and their Clients, as ought to be practiſed and obſerved amongſt the Clerks in ſo High and Honourable a Court; doth think fit and ſo order, that none of the ſaid Under-Clerks do hereafter preſume by any of the ways aforeſaid, or by any other means on any pretence whatſoever, to make any ſuch Noyſe or diſturbance, or commit any diſorder in the ſaid Office, or cauſe or procure the ſaid Office to be ſhut up, or endeavour to force or oblige any of the ſworn Clerks or their Clients to depart from, or leave the ſame; And that the ſaid Office be not for the future ſhut up at any times, than only upon ſuch Holy-days as are kept by the Court in Term time, and ſuch only in Vacation as are or ſhall be appointed to be kept by Act of Parliament, or any other publick Authority. And further, That no Under-Clerk in the ſaid Office ſhall from henceforth, during

Rules of behaviour of the Under-Clerks to the ſworn Clerks.

the time of his Clerkſhip, preſume to wear any Sword either in or out of the ſaid Office within the Cities of *London* or *Weſtminſter* or the liberties thereof, or to be covered or wear his Hat in the ſaid Office in the preſence of any one of the ſworn Clerks; but that all the ſaid Under-Clerks ſhall, during all the time of their reſpective Clerkſhips, as well in their Maſters Seats, as elſewhere in the ſaid Office be uncovered, and behave themſelves orderly, ſoberly, and with reſpect towards all the ſworn Clerks, and the Suitors of the Court: And in caſe any of the ſaid Under-Clerks ſhall be idle in the ſaid Office, out of their Maſters Seats, they ſhall upon the admonition or command of any of the ſworn Clerks, immediately repair to their Maſters Seats, and quietly ſit and attend their buſineſs there, from ſeven of the Clock in the Morning in *Summer*, and eight in the *Winter* till twelve of the Clock at Noon, and from two of the Clock in the Afternoon until ſuch time as their reſpective Maſters ſhall think fit: And in caſe any of the ſaid Under-Clerks ſhall be hereafter guilty of any the aforeſaid, or any other abuſes, diſorders or indecencies in the ſaid Office

Office, he and they ſo offending, ſhall undergo ſuch puniſhment, either by expulſion or otherwiſe, as his Honour the Maſter of the Rolls, for the time being, ſhall think fit to inflict; and for the better incouragement of the Under Clerks, and to the end the Rules and Orders for the Government of the ſaid Office may be the better obſerved for the future, his Honour doth further order, That no Six Clerk do for the future take any perſon to be his waiting Clerk or Clerks, but ſuch who are, or have been Clerks articled to ſome one of the ſworn Clerks of the ſaid Office; and that they have not above two waiting Clerks each, and if any of their future waiting Clerks have not been Articled Clerks, ſuch waiting Clerks ſhall be forthwith diſcharged, and that no ſworn Clerk do take and have more than one Articled Clerk at the ſame time, before his firſt Articled Clerk be preferred in the ſaid Office, or that the firſt Articled Clerk be diſcharged with the knowledge and approbation of his Honour, the Maſter of the Rolls, for the time being: And if any of the ſworn Clerks now have any more than one Articled Clerk, that ſuch ſworn Clerk do diſcharge his

No Six Clerk to take a waiting Clerk, but ſuch as hath been an Articled Clerk.

Six Clerks not to have above two waiting Clerks each.

No ſworn Clerk to have more than one Articled Clerk at the ſame time

second Articled Clerk from the said Articles, and deliver up his Articles, with what he hath received with him, his Honour declaring, That if any sworn Clerk have, or shall presume to Article with a second Clerk, before the first Clerk be preferred in the said Office, or discharged as aforesaid, such Articles shall be deemed and taken to be *ipso facto* void and of none effect.

No sworn Clerk to carry Records out of the Office without leave of the Master of the Rolls, nor to employ any to Copy Records, but such as are Articled Clerks.

And doth further order, That no sworn Clerk do presume, being contrary to his Duty, to carry any Records out of the said Office, without leave first obtained from the Master of the Rolls, for the time being, nor do imploy any person in the Copying of any Records, but such who are Articled Clerks, unless in case of sickness, or that the Articled Clerk shall refuse or neglect to Copy the same, whereof Complaint is immediately to be made to his Honour, to the end the same may be redrest. And to the end this Order may be the better known, effectually obeyed and duly observed, his Honour requires and expects the same to be fairly ingrossed, and from henceforth hung up in the said Office in a Frame to be provided for that purpose.

Sab-

Sabbati 19 die Januarij, 1694.

Touching Reading Depoſitions. *Ordo Curiæ.*

WHereas in former times, as well as lately, Complaints have been made by the Examiners of this Court, That after Depoſitions of Witneſſes have been taken in their Office between parties, Plaintiff and Defendant, one of the ſaid Parties, or ſome of their Agents, have taken out the Copies of Depoſitions for his Party only; and afterwards the ſame Party hath for Mony or other reward, given or ſuffered other Copies to be made out of them, to the adverſe Party, his Solicitor or Agent, who have made uſe of them on all occaſions, as if authentick: By reaſon of which ſaid ſecond Copies, ſo ſurreptitiouſly made, the Court may be miſguided; all which doings tend to the great abuſe of the Court, and prejudice of the Clients and their Cauſes, as well as to the ſcandal of the ſaid Office, and the depriving the Officers of their due Fees.

And whereas Orders have been made (as often as grounds for the ſaid Complaints have been offered) for the redreſſing thereof; but the directions thereby given have proved ineffectual, ſome of them tending rather to put the Party agrieved to a further charge than to redreſs the grievances complained of. And whereas the preſent Examiners of this Court have by their humble Petition beſought the Lord Keeper of the Great Seal of *Engl'and* for redreſs in the Premiſſes, and to prevent the like inconveniences for the future, and his Lordſhip having taken their ſaid Petition into his ſerious conſideration, and calling to mind, that the like matter thereby complained of, happned lately in Court in the Cauſes of *Wilcox* and *Doughty*, and *Doughty* and *Wilcox*, and obſerving that the laſt Order made in ſuch Caſes, that the Cauſes ſhould be put off, and five Pounds paid to the other ſide is no redreſs to the Court, (who is the Party grieved, he being put to the new charge of another days attendance, and the five Pounds being never paid) foraſmuch as the Clerks and Agents on both Sides are Confederates in the ſaid practice; wherefore

fore for the prevention of the like Scandal to the Court, Charge to the Clients, and Fraud to the ſaid Officers for the future, his Lordſhip doth order, That no Copies of Depoſitions ſhall be read or made uſe of, either in Court, or before any Maſter in any Cauſe, but ſuch as is taken out of the proper Office, and ſigned for the Party, for whom the ſame ſhall be read: And to the end this Order may be more ſtrictly perſued, his Lordſhip doth further order, That the ſaid Examiners ſhall by themſelves, or by their Deputy, have liberty from, and after the 22th day of *January* inſtant to attend in Court, at the hearing of all Cauſes, to inſpect all Books of Depoſitions which are brought into Court and read, either for Plaintiff or Defendant, and to ſee whether they be duly ſigned for the Party that doth produce the ſame: And in caſe the ſaid Examiners, or either of them, or their Deputy ſhall diſcover to the Court any ſuch fraud or practice committed, that then the Cauſe or Cauſes, wherein ſuch practice or fraud is committed, ſhall be put off, and the Parties offending ſhall ſtand committed to the Priſon of the *Fleet* until the Offi-

No Depoſition to be made uſe of in any Court, or before any Maſter in any Cauſe, but ſuch as is taken out of the proper Office, and ſigned by the Party for whom the ſame ſhall be read.

cer injured be agreed with, and paid his due Fees; and until they ſhall have alſo paid the ſum of five Pounds into the hands of ſuch perſon, as his Lordſhip ſhall direct, for the uſe of the Poor, and until ſuch Client or Clients as ſhall be prejudiced, by putting off his or their Cauſe, ſhall be reimburſed his Charges in reſpect thereof, and until the further Order of this Court: And that no perſon may plead ignorance herein, this Order is to be ſet up in the ſeveral Offices concerned therein, belonging to this Court.

Martis

Martis 12 die Junij, 1694.

Touching Serjeant at Arms.

Ordo Curiæ. Revived.

WHereas Complaint was made to the late Lord Chancellor *Finch* by the Serjeant at Arms attending the Great Seal, That after Contempts were profecuted to a Serjeant at Arms, and a Commitment pronounced, the Profecutor would draw up the Order, and never take out the Warrant thereon, but make uſe thereof to force the Party profecuted into ome Compoſition, ſometimes for the whole matter in queſtion; but uſually for diſcharge of the Contempts, whereby the Serjeants Employment was rendred in great part ineffectual: For the prevention whereof his Lordſh'p did thereupon order, That after an Order for a Serjeant at Arms ſhould be granted by the Court, the Reg ſter ſhould, on requeſt, draw up the ſaid Order, and deliver the ſame to the Serjeant at Arms, or his Deputy, and to no other perſon, they paying for the

Vide ſupra 4 *Nov.* 74. 13 *Julij* 85.

the ſame, by which means he ſhould, or might endeavour to apprehend the Party proſecuted, and bring him into the Court to anſwer the Contempts if he could; but if he could not, his Lordſhip did further order, That no Order for a Serjeant at Arms drawn up, and paſt by the Regiſter, ſhould be diſcharged, and the Contempt thereon, without the Serjeants Fees be paid to him, and a Certificate made under his Hand, teſtifying the ſame; and after the ſaid Order being ſo drawn up, and paſt as aforeſaid, no private or other agreement ſhould be made between the Party and Parties, and the Perſon and Perſons ſo ſtanding in Contempt as aforeſaid, or any other perſon, on their, or any of their behalfs, without ſuch ſatisfaction ſhould be made, and a Certificate ſhould appear of the ſame to the Court. Now upon information made to the Right Honourable the Lord Keeper of the Great Seal of *England* by the Serjeant at Arms, that the ſaid Order had not been duly obſerved, to his great loſs and prejudice; his Lordſhip doth order, That the ſaid Order be revived; and doth further Order, That when any Motion ſhall be made for a Ser-

a Serjeant at Arms, the Counſel moving for the ſame, ſhall immediately in Court deliver unto the Regiſter the Commiſſion of Rebellion, and tell who is Clerk in Court, that the Serjeant at Arms may have an account of him, where the Contemner lives; and that the Order be drawn up by the Regiſter, and delivered to the Serjeant at Arms or his Deputy, and to no other perſon whatſoever, they paying for the ſame, to take out a Warrant thereon, whereby the Party or Parties ſo in Contempt may be taken into Cuſtody, and be brought into this Court to Anſwer the ſame: And that this Order be hung up in the Regiſters and Six Clerks Office of this Court, that all perſons may take notice thereof, and yield obedience to the ſame accordingly.

The Counſel moving for a Serjeant at Arms, ſhall immediately in Court deliver to the Regiſter the Commiſſion of Rebellion, and tell who is Clerk in Court.

Mar-

Ordo Curiæ.

Mercurij 28 *die Octobris*, *Anno Regni Regis Gulielmi Tertij* 8. 1696.

IT is this day ordered by the Right Honourable the Lord Keeper of the Great Seal of *England*, That where any Reference is now, or ſhall be directed to any of the Maſters of this Court; and at any time hereafter upon ſuch Reference, any matter of Fact ſhall be admitted or agreed to before him the ſaid Maſter, he ſhall take a *Memorandum* of the Fact ſo admitted or agreed to in his Book of Minutes; and the Party ſo admitting or agreeing, ſhall ſubſcribe ſuch Minutes, or the *Memorandum* in the preſence of the Maſter; which Subſcription ſhall be binding and concluſive to the Party on whoſe behalf the ſame was ſo ſubſcribed, ſo as that the other ſide ſhall not be put to any further proof to make good the ſame. And it is further ordered, That this Order be hung up in the ſeveral Offices of the Maſters, Six Clerk

Clerks and Regiſters, that all Parties concerned may take notice thereof.

Lord Chancellor and Maſter of the Rolls the 17th of May 1697. *forbidding all Maſters Clerks of this Court, and Examiners Clerks to practiſe as Soliciters.* *Ordo Curiæ.*

WHereas there have been former Complaints (and the cauſes thereof have lately appeared to be ſtill continuing) that the Clerks belonging to ſome of the Maſters of this Court, and alſo ſome Examining and Copying Clerks in the Examiners Office, have taken upon them the ſoliciting of Cauſes depending between Party and Party in the ſaid Court, ſo as no perſon that is a Suitor to the Court can be ſafe in his Perſon or Eſtate where any ſuch Clerks ſhall be retained as Solicitors againſt him, which practice of theirs hath, and may hereafter tend to the perverting of Juſtice, to the great Scandal of the Court; for the prevention whereof, and that the Suitor

tor may be preſerved from ſuffering by the ill conſequences that may happen thereby for the future, the Right Honourable the Lord High Chancellor of *England*, with the advice and aſſiſtance of the Honourable the Maſter of the Rolls, doth hereby order, That from henceforth no Clerk belonging to any of the Maſters of this Court, nor any Clerk belonging to either of the Examiners of this Court, ſhall take upon him, either by himſelf, or any other perſon under him, the managing or ſoliciting any Cauſe whatſoever, either already commenced, or which ſhall hereafter be commenced in this Court. And if any perſon ſo related to the ſaid Court, or which ſhall hereafter be ſo related, ſhall be found to offend againſt this Order, they ſhall not only be ſuſpended their Imployments, but for their Contempts ſhall ſtand committed to the Priſon of the *Fleet*; and the Maſters of this Court, as alſo the Examiners are to take care, that all their Clerks do give obedience hereto. And that all perſons concerned herein may have due notice hereof, his Lordſhip doth further

ther order, That Copies of this Order be ſent to the Publick Offices of the ſaid Maſters and Examiners of this Court.

Geo. Edwards Deputy Regiſter.

AN

A N

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FINIS.

THE RULES AND ORDERS OF THE COURT OF EXCHEQUER.

LONDON,

Printed by the Assigns of *Richard* and *Edward Atkins* Esquires, for *John Walthoe*, and are to be sold at his Shop, in the *Middle Temple Cloysters*, 1698.

Title
B1-12-D 6

ORDERS and RULES of Proceedings in the Office of His Majeſty's Remembrancer of His Court of Exchequer *at* Weſtminſter, *which the Right Honourable the Lord Chief Baron, and the other Barons have thought fit at preſent to Ordain, and Publiſh, for the better and more ſpeedy carrying on the Buſineſs in that Office.*

I.

Engliſh Bills.

EVery *Subpœna* to Anſwer, Rejoin, or hear Judgment, ſhall be ſerved Perſonally, or left at the Defendants Dwelling-Houſe, or place of Reſidence

with one of that Family; or otherwiſe the ſame Writ, under Seal, ſhall be ſhewed there, to ſuch Perſon of ſuch Family, and a Ticket thereof left with ſuch perſon, containing the effect of the ſame Writ: And all ſuch Tickets upon a *Subpœna* to Anſwer, ſhall be written in the Exchequer hand in Parchment.

II.

Filing of Bills.

EVery Bill upon a *Subpœna* retornable immediate, is to be filed before the ſaid iſſuing of the ſaid Writ, and upon a *Subpœna* retornable on a day certain, the Bill to be filed within two days after the day of the Retorn; and all others on common Retorns, to be filed within four days after the laſt day of ſuch Retorn. If the Defendants do appear according to the reſpective

ſpective Retorns of the Writs: And if the Bill be not Exhibited accordingly, then the Defendant to be diſmiſſed with four Nobles Coſts.

III.

The day to be ſet down of the filing of every Bill, Plea, Demurrer, Exception, Replication, and Rejoinder.

THe day of Exhibiting of every Bill, and the putting in of all Pleas, Demurrers, Exceptions, Replications and Rejoinders, to be ſet upon the ſame, and to be then ſigned by the Attorney that is towards the ſame; and likewiſe the day of every Defendants appearance entred in the Book of Appearances, and no Bill to be accepted till the ſame be ſigned by the Attorney for the Plaintiff, and allowed by one of the Ba-

rons, except at the Suit of His Majeſty's Attorney General.

IV.

Times of Appearances upon Subpœna's.

IF the Defendant do not appear on the next day after ſervice of Proceſs retornable Immediate, or on the ſecond day, on Proceſs retornable on a day certain, or on the fourth day of every Common Retorn; then upon Oath of due Service an Attachment is to be awarded; and all Affidavits to be made in *London* or *Middleſex*, and before any of the Barons, be written in Exchequer hand in Parchment.

V.

Touching Contempts.

THat after an Attachment is retorned for a Contempt by Engliſh Bill, the next Proceſs ſhall be an Attachment with Proclamation, and upon the retorn thereof, a Commiſſion of Rebellion, and upon retorn thereof ſuch other Proceedings as the Court upon Motion ſhall direct; and that the Coſts be paid by each Defendant named in every of the ſaid Proceſſes, that is to ſay, every perſon in an Attachment to pay ten ſhillings, every perſon in every Proclamation to pay twenty ſhillings, every perſon in every Commiſſion of Rebellion to pay two pounds thirteen ſhillings and four pence, and all Coſts to be paid either by the Plaintiff or Defendant, or their

Attachment 10 *s.*

Proclamation 20 *s.*

Commiſſion of Rebellion 2 *l.* 13 *s.* 4 *d.*

respective Attornies in Court, before any further proceedings be had on their behalf respectively; and that there be in all Process of Contempt in *London* and *Middlesex*, and within
6 days. fifteen Miles thereof, six days; and in all other Counties within
10 days. sixty miles of *London*, ten days;
15 days. and for all other Counties, fifteen days between the Teste and Return of each Process, unless the Court shall order Process returnable immediate: And in any Case where the Sheriff shall return a *Cepi Corpus* upon Process of Contempt, after a Rule of four days given to bring in the Body, and the Body not brought in, then upon a Motion,
A Messenger. a Messenger to go and bring in such Defendant.

VI.

VI.

ANSWERS.

Time for Defendants to put in their Anſwers.

EVery Defendant ſhall put in his Anſwer within eight days after his Appearance, and the Bill filed as aforeſaid, if the Bill ſhall be filed in the Term, or within two days after, in caſe he doth not deſire a Commiſſion to Anſwer, which is to be entred under his Appearance; and to be retornable the beginning of the following Term, and no Defendant living within fifteen miles of *London*, to have a Commiſſion but by ſpecial Order of the Court; and all Deſendants living within fifty miles of *London*, appearing upon a Proceſs retornable the firſt Retorn of *Eaſter* or *Michaelmas* Terms, and de-

15 Miles no Commiſſion.

Defendants to anſwer the ſame Term of the firſt retorn.

desiring a Commission to answer, are to return such Commission by the end of the same Term; and every Defendant taking or craving a Commission to answer, is to Rejoin *gratis*, and join in Commission to examine Witnesses, or else the Plaintiff to have a Commission *ex parte* within a Week after the end of the Term; and in default of putting in his Answer as aforesaid, an Attachment is to be awarded against him: And where a Commission is prayed, but not taken out within three Weeks of the beginning of the next ensuing Term (except *Trinity* Term) in such case Process of Contempt to issue returnable the first day of the said next Term.

Rejoin *gratis*.

Attachment three weeks before Term.

VII.

VII.

Touching Anſwers: No Demurrer if in Contempt.

EVery Defendant who ſhall not anſwer according to the Rule of the Court, but deſires a Commiſſion to take his Anſwer, on taking forth ſuch a Commiſſion, ſhall not put in a Demurrer or Dilatory Plea, but may put in an Anſwer or Plea in barr, unleſs otherwiſe ordered by Motion in Court.

VIII.

Payment of Coſts upon Contempts for want of Appearances or Anſwers.

EVery Defendant that is in Contempt, ſhall pay his Coſts to the Plaintiff, or his Attorney in Court before his

Appearance or Anſwer be accepted; and no Defendant in Contempt ſhall put in a Demurrer or Dilatory Plea.

I X.

Times of ſetting down Demurrers, Pleas, &c.

WHere the Defendant ſhall put in a Plea or Demurrer, the ſame is to be ſet down by the Defendant by the *Saturday* ſevennight following, or elſe the Plea and Demurrer is to ſtand over-ruled: And in caſe the Plea and Demurrer do ſtand over-ruled as aforeſaid, or be over ruled at the hearing, the Deſendant is forthwith to pay to the Plaintiff, or his Attorney in Court, forty ſhillings Coſts, and after his Anſwer to rejoin *gratis*, and join in Commiſſion as aforeſaid: And in caſe the Plea or Demurrer be orderd to ſtand good, the Plaintiff to pay to the

Plea over ruled 40 *s.*

the Defendant, or his Attorney in Court, thirty ſhillings Coſts; and if the Demurrer be to the whole Bill, and be admitted by the Plaintiff, or allowed by the the Court, the Defendant to ſtand dimiſſed with Coſts: And if the Defendant will put in his Anſwer two days before the day appointed for the hearing of the ſaid Plea and Demurrer, or ſooner, and give notice thereof to the Plaintiffs Attorney, he is to pay to the Plaintiff twenty ſhillings Coſts.

Good, 30 *s.*

If the whole Bill, the Defendant diſmiſt.

If put in Anſwer two days, *&c.*

X.

Pleas of Outlawry.

UPon a plea of Outlawry, in caſe the ſame be admitted by the Plaintiff, or adjudged good, and the Outlawry after Reverſed, then the Plaintiff having paid the Coſts on the Plea, may take forth a new *Sub.*

New *Subpœna.*

Subpœna againſt the Defendant to anſwer the ſaid Bill.

XI.

Admitting of Pleas and Demurrers to be good.

If reply within a week, or Defendant diſmiſt, 30 *l.*

If the Plaintiff, or his Attorney in Court ſhall two days before a Plea is appointed to be heard, or ſooner, give notice to the Defendant, or his Attorney in Court, that he will reply to the ſame, the ſaid Plaintiff ſhall then reply thereto within a Week without Coſts, or in default thereof, the Defendant to be diſmiſt with thirty ſhillings Coſts; and if the Plaintiff or his Attorney ſhall two days before a Plea or Demurrer is ſet down to be heard, or ſooner, give notice to the Defendant, or his Attorney in Court, that he doth admit the Plea or Demurrer to be good, and ſhall pay to the

the Defendant, or his Attorney in Court, twenty ſhillings Coſts, then the Defendant ſhall not need to attend his Plea or Demurrer.

XII.

If Demurrer on Miſtake.

IF the Demurrer be grounded upon ſome Error, Slip, or Miſtake in the Bill, the Plaintiff ſhall be permitted of courſe to amend the ſame, paying to the Defendant, or his Attorney in Court, twenty ſhillings Coſts: 20 *s.* Coſts. But if the Plaintiff ſhall not within four days, after ſuch Demurrer, put in, amend, or alter it, and pay the Coſts, then the Demurrer ſhall be determined in Court. Or determined in Court.

XIII.

XIII.

Pleas of Dependences of a former Suit.

IF the Defendant ſhall plead the dependency of a former Suit for the ſame matter complained of in the Bill, and the Plaintiff ſhall admit of the ſaid Plea, that then the Plaintiff ſhall forthwith pay to the Defendant, or his Attorney in Court, forty ſhillings Coſts: And if the Plaintiff ſhall not two days before the ſame is ſet down to be heard, or ſooner, admit the ſaid Plea, and pay forty ſhillings Coſts; then the ſame is to be heard in Court: And if upon hearing it ſhall be adjudged a good Plea, then the Plaintiff to pay three pounds Coſts.

40 *s.* Coſts.

3 *l.* If heard.

XIV.

XIV.

Exceptions.

EVery Plaintiff that ſhall take Exceptions to the Defendants Anſwer, ſhall put in his Exceptions to the ſame within four days within the Term next after the coming in of the Anſwer, and ſet down the ſame to be heard on the *Saturday* ſevennight following: in caſe the Defendant will put in his Anſwer before the time appointed for the hearing of the ſame Exceptions, he is to put in the ſame two days, or ſooner, before the time for the hearing thereof, and he is to pay but twenty Shillings Coſts; and if upon hearing the Exceptions, the Defendant be ruled to Anſwer, the Defendant ſhall forthwith pay to the Plaintiff, or his Attorney in Court, three pounds Coſts,

To be heard.

If anſwer, 20 *s.*

If heard, 3 *l.*

Anſwer in 8 days.

Coſts, and ſhall put in his Anſwer within eight days, unleſs he deſire a Commiſſion to anſwer; in both which Caſes he is to Rejoin *gratis*, and joyn in Commiſſion as aforeſaid. And if the Defendants Anſwer ſhall be adjudged good, the Plaintiff ſhall forthwith pay to the Defendant, or his Attorney in Court, forty ſhillings Coſts. And all Anſwers coming in after the ſetting down of Cauſes, are to be taken as Anſwers of the ſucceeding Term.

Anſwer good, 40 *s.*

X V.

Second Inſufficient Anſwer.

Double Coſts.

THat every Defendant putting in a Second Inſufficient Anſwer, ſhall pay double Coſts, as if the firſt Anſwer had upon hearing been adjudged inſufficient. Every Defendant putting in a third Inſufficient Anſwer,

Anſwer, ſhall in like manner pay treble Coſts: And every Defendant putting in a fourth Inſufficient Anſwer, ſhall pay ſuch further Coſts, as the Court ſhall think fit, to the Plaintiff, or his Attorney in Court, and ſhall ſtand committed to the *Fleet*, and be examined upon Interrogatories.

Third, treble Coſts.

Fourth, as Court ſhall order.

XVI.

Proceedings upon Proceſs of Contempt upon Inſufficient Anſwers.

EVery perſon in Contempt, for not appearing, and that ſhall after clear his Contempts and appear, but ſhall incur any other Contempts for not anſwering according to the Rules, ſhall pay the like Coſts, and have the Proceſs of Contempt continued againſt him till there ſhall be a ſufficient Anſwer put

put in, as if he had not appeared: And the like Rule where persons are in Contempt for not Answering until they have fully answered; but upon clearing his Contempt, he is to have an allowance of what Costs he paid upon the former Contempt.

XVII.

Plaintiffs dismission of the Bill before Replication.

IF a Plaintiff will dimiss his own Bill before he Reply, he shall pay forty shillings Costs, unless the Court shall think fit upon Motion to encrease the same.

XVIII.

XVIII.

Proceedings on the bringing to the Bar for want of Appearance or Answers.

IF a Defendant be brought to the Barr by *Habeas Corpus* for not appearing, his Appearance shall be then Recorded, and he forthwith charged with the Bill the first time, and stand committed; and if afterwards he do not answer according to the course of the Court, being brought twice more to the Barr by *Habeas Corpus*, or by Rule of Court, and charged with the Bill each time, the Bill shall be taken *pro Confesso* against him. *Pro Confess.*

XIX.

XIX.

Hearing Cauſes upon Bill and Anſwer.

IF the Plaintiff ſhall ſet down his Cauſe to be heard upon Bill and Anſwer, and ſerve the Defendant to hear Judgment; and if upon hearing the Court doth not think fit to make any Decree upon Bill and Anſwer, and ſhall permit the Plaintiff to reply, he ſhall forthwith pay to the Defendant, or his Attorney in Court, five pounds Coſts for his unjuſt vexation, and Reply within eight days, or elſe the Defendant to ſtand diſmiſſed with the ſaid five pounds Coſts; and if he doth Reply, the Defendant is to Rejoyn *gratis*, and joyn in Commiſſion, which Commiſſion ſhall be taken forth to be executed the next

Plaintiff permitted to reply.

5 *l.* Coſts.

Reply in eight days.

next Vacation, except in the Vacation after *Easter* Term.

XX.

Commissions for want of Replication, or for not proceeding after Replication.

IF the Plaintiff doth not Reply to the Defendants Answer some time the next Term, after the Answer is put in, the Defendant may the Term following give a Rule to be dismissed within a Week; and if the Plaintiff shall not within that time Reply to the Defendants Answer, the Defendant shall be dismissed with five Marks Costs; but if the Defendant doth give a Rule to be dismissed for want of a Replication, at the coming in of such Replication the Defendant is to Rejoyn *gratis*, and join in Commission; and if the Plaintiff doth not

To Rejoyn *gratis*.

doth not the ſame Term, or the Term following take forth a Commiſſion to examine Witneſſes, the Defendant may either take forth a Commiſſion, *ex parte*, or elſe be diſmiſſed with five pounds Coſts: And in Caſes where the Defendant ſhall give a Rule, either for not Replying to the Defendants Anſwer, or for not Proceeding after Replication, if there be not a Week in Term, the Plaintiff to have a day to ſhew Cauſe till the ſetting down of Cauſes.

If don't take Commiſſion, Defendant diſmiſt with 5 l. Coſts.

Time for Rule. Setting down Cauſes.

XXI.

Examination of Witneſſes.

IF the Defendant being ſerved with a *Subpœna* to Rejoyn, or appearing *Gratis*, to rejoyn and join in Commiſſion, ſhall not deliver Commiſſioners Names to the Plaintiffs Attorney by the end of that Term, and ſtrike

ſtrike Names within four days after the end of that Term, the Plaintiff may take a Commiſſion *ex parte*.

Time for Defendants to join in Commiſſion.

XXII.

Execution of Commiſſions to examine Witneſſes.

WHen a Commiſſion is taken out, if through the default of the party, having the carriage of the ſame, or of his Commiſſioners, the ſame be not executed, he ſhall pay unto the other party ſuch reaſonable Coſts as he or his Solicitor ſhall, upon Oath, make appear he was put unto by ſuch failure, and ſhall renew ſuch Commiſſion at his own charge, wherein the adverſe party may join, and Croſs examine ſuch Witneſſes, if he think fit; but if he examine any Witneſſes of his own, then he is to pay the Half Fee of the

the Commiſſion, and the adverſe party may alſo have a *Duplicate* of ſuch Commiſſion; and if the party taking out of ſuch renewed Commiſſion, do not give notice to execute his Commiſſion eight days before the Return thereof, that then the adverſe party, upon four days notice may execute his Commiſſion, and no ſecond Commiſſion to be awarded without Motion in Court.

Commiſſion to be eight days before return'd.

XXIII.

Renewed Commiſſions to be Executed.

IF at the inſtance of a Defendant, a Commiſſion to examine Witneſſes is ordered to be renewed, either for a default by him, or his Commiſſioners, or becauſe he did not examine all his Witneſſes by the firſt Commiſſion, he ſhall at his peril examine

examine all his Witneſſes by ſuch renewed Commiſſion, or in Court by the Retorn thereof; and no more Commiſſions to iſſue, except it be for the examination of Witneſſes beyond the Seas, or by further order of Court: And that no Witneſſes ſhall be examined at the hearing of any Cauſe *viva voce*, without ſpecial Order of this Court, made before the Hearing of the Cauſe.

No more Commiſſions, except for Witneſſes beyond Sea, or order of Court.

XXIV.

No Commiſſion in London.

THat no Commiſſion *ad examinandum Teſtes* be exhibited in *London*, or within ten miles thereof, without ſpecial Order firſt obtained upon *Affidavit* made of the Parties inability to travel, or other good matter: And that all Depoſiti-

ons taken by Commiſſion in *London*, or within ten miles thereof, without ſpecial Order as aforeſaid, ſhall ſtand ſuperſeded, and ſuppreſſed *ipſo facto*, and not allowed to be read in Evidence at the hearing of the Cauſe; and after Interrogatories are exhibited of either ſide, neither Party ſhall add to, or alter the ſame, without leave of the Court.

No Interrogatories added without leave of the Court.

XXV.

Publication.

PUblication to paſs within one Week after every Commiſſion returned, or the Witneſſes examined in Court, if no Cauſe be ſhewed to the contrary; and where a Rule for Publication ſhall be given, there not being not a Week in Term, day ſhall be given to ſhew

A Week.

ſhew Cauſe to the contrary at the ſetting down of Cauſes.

Or ſetting down of Cauſes.

XXVI.

Uſe of Depoſitions of Witneſſes.

DEpoſitions of Witneſſes in ſeveral Cauſes, which are meerly Croſs Cauſes (that is to ſay) between the ſame Parties, and touching the ſame Matter, may be uſed at the hearing of both Cauſes coming to hearing together, without any Motion or Order in that behalf.

XXVII.

Setting down of Cauſes in London, *or within ſixty Miles, in* Eaſter *or* Michaelmas *Term.*

NO Cauſes ſhall be put into the General Bill of Cauſes, to be ſet down to be heard, till Publication is paſt, except it be by ſpecial Order of Court; and when Publication is paſt, the Cauſe to be ſet down for the Term following, except in Caſes where the Parties live in *London*, or within ſixty Miles thereof; wherein if a Replication be filed in *Trinity* or *Hillary* Terms, and Publication do paſs the firſt Week of *Michaelmas* or *Eaſter* Terms following, ſuch Cauſe may be ſet down to be heard the laſt day of Cauſes of

If Publication paſt the firſt Week in Term.

of ſuch *Michaelmas* or *Eaſter* Terms.

XXVIII.

Subpœna's *to hear Judgment.*

Subpœna's to hear Judgment ſhall be ſerved in *London*, or within ſixty miles of the City of *London*, ten days before the day of hearing of the ſaid Cauſe; and in more remote places, fourteen days before ſuch day of hearing, except in *Trinity* Term, and then the Defendants inhabiting in the more remote Parts, to have but ten days notice.

London, 10 days.

Remote 14 days.

Defendant, 10 days.

XXIX.

Hearings.

IF the Defendant ſhall be ſerved to hear Judgment, and make Default, and hath day given him to ſhew Cauſe why a Decree ſhould not be made againſt him, ſuch Defendant, or his Counſel ſhall not be heard therein, till he firſt pay down to the Plaintiff, or his Attorney in Court 5 *l.* Coſts; and in caſe the Defendant doth attend the Hearing, being duly ſerved, and that appear to the Court; and if the Plaintiff doth not attend, the Cauſe to be put out of the Paper, and the Plaintiff to pay to the Defendant 5 *l.* Coſts; and the Defendant may ſet down the Cauſe to be heard the next Term *ad requiſitionem Defend'*, the Plaintiff to pay

5 *l.* Coſt if the Defendant attend not.

Plaintiff to pay 5 *l.* before heard.

pay the ſaid 5 *l.* Coſts before his Counſel be heard.

XXX.

Rules on Hearing on Motions.

THat the Judgment pronounced on every Hearing, and the Rule given on every Motion, ſhall be truly taken, and fairly written by His Majeſty's Remembrancer, or his Deputy, and openly read before another Cauſe or Motion be begun, to the end if the ſame be miſtaken, it may be rectified by the Court. Minutes.

XXXI.

Entries of Decrees and Diſmiſſions.

AND every Decree or Order of Diſmiſſions made by the Court, that is not entred

Next Term.

ſome time before the laſt day of the next Term, after the pronouncing thereof, ſhall not be entred, but upon Motion in open Court.

XXXII.

Decrees and Orders.

Short

EVery Order and Decree to be drawn up as ſhort as with conveniency they can be, without reciting the former Orders and Pleadings at large.

XXXIII.

Bills of Review.

Pay Coſts, and enter into a Recognizance.

WHere a Bill of Review ſhall be brought, the Plaintiff in ſuch Bill ſhall pay the Coſts taxed, or due in the former Cauſe, and enter into a Recognizance of ſuch Penalty as

as the Court ſhall appoint, to perform the ſame, in caſe the ſame ſhall be affirmed, and to pay ſuch further Coſts as this Court ſhall direct, otherwiſe the Defendant not to be enforced to give any Anſwer to ſuch Bill, or incur any Contempts for his neglect therein. No Contempts.

XXXIV.

Proceedings upon Bills to Examine Witneſſes in perpetuam rei memoriam.

WHere a Bill ſhall be exhibited to examine Witneſſes *in perpetuam rei memoriam*, and the Defendant being ſerved with Proceſs, doth not appear, but ſtands in Contempt, the Plaintiff may then upon Motion have a Commiſſion to examine his Witneſſes *de bene eſſe*; and where the Defendant ſhall

have appeared, he may join in Commiſſion, if he think fit, and Croſs-Examine the Plaintiffs Witneſſes, he ſtriking Commiſſioners Names within four days after the making of the Order for ſuch Commiſſion: And after the Defendant hath anſwered ſuch Bill, the Plaintiff is then to Reply, and re-examine ſuch of his ſaid Witneſſes, formerly examined, as ſhall be then living; and upon the retorn of the ſame Commiſſion, and the Depoſitions thereby taken, together with the Depoſitions of ſuch of the Witneſſes formerly examined, as were before the Execution of ſuch ſecond Commiſſion dead, are fortwith to be publiſhed.

Defendant croſs examined.

Plaintiff to reply.

Depoſitions of dead and other, &c.

XXXV.

XXXV.

Contempt in not performing Orders and Decrees.

THat no Perſon ſhall be in Contempt for not performing any Order or Decree of the Court, until he ſhall be ſerved therewith, by delivering a true Copy thereof, and ſhewing the Decree or Order under the Seal of the Court unto ſuch perſon, and if the Party cannot be found to be perſonally ſerved, upon Oath firſt made thereof, and an Order of Court thereupon, the Writ of Execution to be left at his Houſe, or place of his laſt abode, or a Copy thereof with his Clerk in Court, and that to be good Service to bring him in Contempt.

Under Seal perſonally, or an Oath.

Left at Houſe, or Clerk in Court.

XXXVI.

XXXVI.

Times for coming in of Reports, and for filing of Exceptions to Reports.

WHere the Court upon hearing any Cauſe, ſhall refer any Matter of Account, or other Matter to be Reported to the Court, ſuch Report ſhall be made, and delivered to the ſworn Clerk concerned in the Cauſe, ſix days before the time appointed for hearing of the Cauſe upon ſuch Report, who is forthwith to give notice to the Clerk on the other ſide; and if the adverſe Party will take Exceptions to the ſame, he ſhall put in ſuch Exceptions two days at leaſt before the hearing of the Cauſe.

To come in 6. days.

Exceptions 2 days.

XXXVII.

XXXVII.

Not performing Decrees.

WHere ſeveral things are to be performed by a Decree on the part of the Defendant, and the Defendant is brought in upon Contempt for not performing ſome part of that Decree, he is not to be enlarged until he ſhall perform that part of the Decree that is to be preſently done, and give ſecurity by Recognizance with Sureties, as the Court ſhall order, to perform the other part. Recognizance.

XXXVIII.

XXXVIII.

Examination of Perſons in Contempt.

Where any perſon appeareth in Court, upon Proceſs of Contempt, to be examined upon Interrogatories, he is to ſtand committed to the *Fleet*, unleſs he acknowledge a Recognizance of 100 *l.* or more (if the Caſe require it) to appear *de die in diem*, and not to depart without licenſe of the Court, and then Interrogatories ſhall be exhibited for his Examination within four days after ſuch his appearance; and in default thereof the party proſecuted ſhall be diſmiſſed with Coſts; upon which Examination, it the Defendant deny the Contempt, or the ſame doth not clearly appear, the Proſecutor

Stand Committed. Recognizance.

Interogatories to be exhibited 4 days after appearance, or diſmiſt.

cutor may upon Motion Examine Witneſſes for proof thereof upon notice given to the Defendant, or his Attorney in Court, or by Commiſſion, for which he may name a Commiſſioner, but is not to examine any Witneſſes upon his part, unleſs he ſhall ſatisfie the Court upon ſome matter of Fact neceſſary to be proved for clearing the truth: In which caſe the Court, if there be Cauſe, will give leave to him to examine Witneſſes to ſuch particular Points, ſo directed by the Court; and the other ſide may Croſs Examine the ſaid Witneſſes. A Commiſſion on Motion.

XXXIX.

XXXIX.

Touching the ſame.

AND when a Commiſſion is taken out to prove a Contempt, the Party proſecuted ſhall have a day to appear upon his ſaid Recognizance till the retorn of the Commiſſion: And if the Commiſſion be not retorned within a Week, after the retorn thereof, the Party proſecuted ſhall be diſcharged of his Contempt with Coſts, and his Recognizance vacated.

XL.

Beating or Abuſing the Perſons ſerving the Proceſs.

WHere any Oath ſhall be made of Miſdemeanor of Beating or Abuſing the Party upon

upon ſerving the Proceſs, or Order of the Court, the Party offending ſhall ſtand Committed upon Motion, and no Examination is in that Caſe to be admitted; and when an Affidavit ſhall be made by two Perſons of Scandalous and Contemptuous Words againſt the Court, or the Proceſs thereof, the Party offending ſhall likewiſe ſtand Committed upon Motion, without any further Examination; and a ſingle Affidavit in ſuch Caſe ſhall be ſufficient to ground an Attachment, whereupon ſuch Perſon ſhall be brought to be examined; and if the Miſdemeanor ſhall be confeſſed, or proved againſt him, he ſhall ſtand Committed until he ſatisfie the Court touching his ſaid Miſdemeanor, and pay the Proſecutor his Coſts: But if he ſhall not thereof be found guilty, ſave by the Oath of the Party that made the

No Examination.

Two Perſons, Contemptuous Words.

Single Affidavit.

Stand Committed.

the Affidavit, he ſhall be thereof diſcharged, yet without any Coſts, in reſpect of the Oath made againſt him, as aforeſaid.

XLI.

Injunctions.

THat no Injunction be granted, or day given to ſhew Cauſe why the ſame ſhould not be granted, but upon Motion in open Court, ſatisfying the Court with ſuch Matter as may induce the Court in Juſtice to grant the ſame, and where there are Exceptions put in to an Anſwer, the Plaintiff may move for an Injunction upon opening of a material Exception to the Court.

XLII

XLII.

Taxing of Coſts.

THat in all Caſes where Coſts are to be Taxed upon a Bill of Coſts in the Office of His Majeſty's Remembrancer, His Majeſty's Remembrancer is to Tax the Coſts, but ſhall not Tax the ſame without notice given to the Attorneys on both ſides to attend him.

XLIII.

Bills of Revivor

IF a Defendant be ſerved with Proceſs upon a Bill of Revivor, and ſhall not Anſwer, or deſire a Commiſſion within eight days, the former Proceedings ſhall ſtand revived upon Motion. Revived 8 days.

XLIV.

XLIV.

Serving of Sheriffs, or Under-Sheriffs with Orders.

THat where a Sheriff, or Under-Sheriff is ordered to perform any thing by the Order of the Court, ſerving of the Sheriff, or Under-Sheriff with a true Copy of ſuch Order under the Seal of the Court, and Affidavit made thereof, and Warrant thereupon from one of the Barons, ſhall be a ſufficient Service to bring the ſaid Sheriff, or Under-Sheriff in Contempt if he do not perform the ſame.

Under Seal.

XLV.

Sheriff to name Attorneys.

THat all Sheriffs ſhall have and aſſign their able and ſufficient Attorney and Deputy in this Court, the ſame Court ſetting, which ſhall attend this Court from time to time, to receive and retorn the Writs and Commandments of the ſame, according to the Statute in that behalf provided; and that every Sheriff upon the entring into his Recognizance, do declare and deliver unto one of the ſworn Clerks in the Office of His Majeſty's Remembrancer, the Name of ſuch Attorney or Deputy, ſo by him aſſigned.

XLVI.

XLVI.

Rules to Sheriff to Return Proceſs.

AND where a Sheriff neglects to return any Proceſs delivered to him, Rules may be given the laſt day of the Term for to return ſuch Writs by the Sealing-day, or to be amerced 40 s.

Sealing-day, or amecred 40 *s.*

XLVII.

Paupers.

IF any Perſon ſhall petition to be admitted in *Forma Pauperis*, he ſhall bring a Certificate, under his Counſels hand upon his Petition, that he hath probable Cauſe of Suit, and

Certificate under Counſels Hand.

and make uſual Oath before he be admitted, and ſuch Counſel to be aſſigned for one. Affidavit.

XLVIII.

Notes of Informations.

THat according to an Order of Court made the ſecond day of *July* 1686. upon the making out of any Proceſs upon any Information to be exhibited in the Office of His Majeſty's Remembrancer in this Court for the Seiſure of any Goods, there ſhall be a brief Note or Entry made by one of the ſworn Clerks, in a Book to be prepared for that purpoſe, of the Name of the Party that ſeized the ſame, and of the Quality of the Goods ſeized, together with the day of the Month when the ſame Seiſures.

is

is Exhibited; and that upon the making out of any Proceſs upon perſonal Informations upon Penal Statutes, there ſhall be a brief Note or Entry made by one of the ſworn Clerks, in the ſaid Book, of the Names of the Plaintiffs and Defendants, together with the Day of the Month when the ſame is Exhibited, unto which Book ſuch perſon as is, or ſhall be imployed on behalf of His ſaid Majeſty for the recovering and getting in His ſaid Majeſty's Moiety, or part of ſuch Forfeitures, may have recourſe and free liberty to inſpect and peruſe the ſame.

Perſonal Informations.

Majeſty's Agent to inſpect.

XLIX.

XLIX.

Records of Recoveries and Fines to be perfected.

THat the Records of the Recovery of all Goods or Merchandizes ſeiſed for being prohibited or unaccuſtomed, and all Fines rated for the ſame ſhall be perfected and finiſhed by the firſt day of the next Term following the Term of ſuch Recoveries had, or Fine rated, to the end the ſame may be drawn down into the Pipe.

L.

Pleadings upon Perſonal Informations.

Plead 4 days next Term.

EVery Defendant appearing upon an Information, or *Quo Warranto*, except Informations of Seiſure, is to plead to the ſame within four days of the next Term after his appearance to the ſame, or in default thereof, Judgment by *Nihil Dicit* to be entred: And where a Defendant being ſerved with Proceſs to appear to an Information, ſhall neglect to appear the ſame Term, and is taken upon Proceſs of Contempt, retornable the following Term, he ſhall then Plead within four days after his appearance.

Four days after appearance on Contempt.

L I.

Contempts, &c.

THat after an Attachment is Retorned upon any Contempt upon an Information, the next Proceſs ſhall be an Attachment with Proclamation, and upon the Retorn thereof, a Commiſſion of Rebellion, and then upon Motion, a Serjeant at Arms, and the ſame Coſts are to be paid upon Contempts on Informations, as is directed before upon proſecution of Engliſh Bills. Same Coſts as by Bill.

LII.

Joyning in Demurrer.

WHen a Demurrer is filed, the Defendant ſhall Joyn in Demurrer within ſix days, or elſe Judgment by *Nihil Dicit* to be entred.

LIII.

Informations and other Matters of Law.

WHen a Replication is filed, the Defendant ſhall Rejoyn within four days, or elſe Judgment by *Nihil Dicit* to be entred.

LIV.

LIV.

Rules upon Returns of Scire Facias.

UPon Writs of *Scire Facias* Retorned the laſt day of the Term, and upon Iuquiſitions then Retorned, whereon Goods are ſeiſed, Rules may be given for the Defendants to appear upon ſuch Writs of *Scire Facias*, and to claim the property of ſuch Goods ſeiſed by the Sealing-day after each Term, and in default thereof, Proceedings to be had in each Caſe reſpectively, as where there are days in Term for giving ſuch Rules.

LV.

Notice of Trials.

NOtice of all Trials in *London* or *Middleſex* to be given ſix days before ſuch Trials, and of Trials at Aſſiſes, notice to be given within ſix days after the the end of the Term.

LVI.

Entring Judgment after Trials.

UPon the Retorn of every *Poſtea*, Judgment to be entred within four days upon a Rule given, if nothing be ſaid to the contrary, upon Trials in *London* and *Middleſex*, and within the Term, Judgment to be entred of the ſame Term; and upon Trials at the Bar, Judgment to be entred within four days after ſuch

ſuch Trial, if there be ſo many days in Term; and if there be leſs than four days in Term, then Judgment to be entred the laſt day of the Term.

LVII.

Irregularities in Pleadings.

THat all differences touching Irregularities in Proceedings, or upon the Rules of the Court, ſhall be determined by His Majeſty's Remembrancer, or his Deputy, upon hearing the Attorneys on both ſides, who is to ſettle the ſame if he can, and give Coſts where he ſhall find the fault, if not, the Court to determine the ſame.

LVIII.

LVIII.

THat His Majeſty's Remembrancer or his Deputy, and the ſworn Clerks in the Office, do diligently attend in Court, and do give an Account touching any Proceedings in Court, as they ſhall be required.

Some

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